

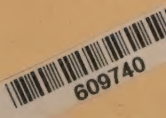
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ACCOUNTS AND PAPERS:

FORTY-SEVEN VOLUMES.

— (20.) —

MISCELLANEOUS—*continued.*

Session

12 March 1894 — 25 August 1894.

VOL. LXX.

1894.



ACCOUNTS AND PAPERS:

1894.

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Home Office,
22 August, 1894. }

GEORGE W. E. RUSSELL.

(*Mr. George Russell.*)

Ordered, by The House of Commons, to be Printed,
23 August 1894.

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RETURN giving (1) a COPY of the REPORT, dated July 1868, of the ROYAL COMMISSION on the LAWS of MARRIAGE; and (2) a SUMMARY of the ENACTMENTS relating to MARRIAGE which have been passed since the 1st day of July 1868.

ROYAL COMMISSION ON THE LAWS OF MARRIAGE.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To Our right trusty and well-beloved Councillor Frederic Baron Chelmsford, The Commissioners.
Our right trusty and well-beloved Councillor Richard Southwell Bourke, commonly called Lord Naas (*a*); Our right trusty and well-beloved Councillor Robert Vernon Baron Lyveden; Our right trusty and well-beloved Councillor Spencer Horatio Walpole; Our right trusty and well-beloved Councillor William Monsell; Our right trusty and well-beloved Councillor John Inglis, Our Justice-Clerk in Scotland (*b*); Our right trusty and well-beloved Councillor Thomas O'Hagan, one of the Justices of Our Court of Common Pleas in Ireland; Our right trusty and well-beloved Councillor Sir James Plaisted Wilde, Knight, Judge of Our Court of Probate; Our trusty and well-beloved Sir William Page Wood, Knight, a Vice-Chancellor (*c*); Our trusty and well-beloved Sir Roundell Palmer, Knight, Our Attorney-General; Our trusty and well-beloved Sir Hugh McCalmont Cairns, Knight (*d*); Our trusty and well-beloved George Young, Esquire, Our Solicitor-General for Scotland; Our trusty and well-beloved Travers Twiss, Esquire, Doctor of Civil Law, One of Our Counsel learned in the Law (*e*); and Our trusty and well-beloved Alexander Murray Dunlop, Esquire, greeting.

WHEREAS We have deemed it expedient that a Commission shall forthwith issue to inquire into and report upon the state and operation of the various laws now in force in the different parts of the United Kingdom of Great Britain and Ireland, with respect to the constitution and proof of the Contract of Marriage, and the Registration and other means of preserving evidence thereof; and also into the state and operation of the Laws of the United Kingdom in relation to the Marriages of European British Subjects in India and in the Colonies; and also into the state and operation of such of the Laws of the United Kingdom as relate to the Marriages of British Subjects in Foreign Countries. Subjects of inquiry.

NOW KNOW YE, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed; and by these Presents authorize and appoint you, the said Frederic Baron Chelmsford, Richard Southwell Bourke, commonly called Lord Naas, Robert Vernon Baron Lyveden, Spencer Horatio Walpole, William Monsell, John Inglis, Thomas O'Hagan, Sir James Plaisted Wilde, Sir William Page Wood, Sir Roundell Palmer, Sir Hugh McCalmont Cairns, George Young, Travers Twiss, and Alexander Murray Dunlop, to be Our Commissioners for the purposes aforesaid.

AND for the better effecting the purposes of this Our Commission, We do by these Presents give and grant to you, or any Five or more of you, full power and authority to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission, and also to call for, Power of any five.

(*a*) Now Earl of Mayo.

(*b*) Now Lord Justice-General of Scotland.

(*c*) Now the Right Honourable Lord Justice Wood. (*d*) Now Lord Chancellor.

(*e*) Now Sir Travers Twiss, Her Majesty's Advocate-General.

for, have access to, and examine all such Books, Documents, Registers, and Records as may afford the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

Formal adjournments dispensed with.

AND We do by these Presents will and ordain that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any Five or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

Eight Commissioners may report.

AND Our further Will and Pleasure is, that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any Eight or more of you, your several Proceedings under and by virtue of this Our Commission, together with what you shall find touching or concerning the Premises.

From time to time.

AND We further ordain that you or any Eight or more of you may have liberty to report your Proceedings under this Commission from time to time should you judge it expedient so to do.

Assistance from all and sundry.

AND We hereby command all and singular, Our Justices of the Peace, Sheriffs, Mayors, Bailiffs, Constables, Officers, and Ministers, and all other Our loving subjects whatsoever, as well within liberties as without, that they be assistant to you in the execution of these Presents.

The Secretary.

AND for your further assistance in the due execution of this Our Commission, we have made choice of Our trusty and well-beloved John Fraser Macqueen, Esquire, one of Our Counsel learned in the law, to be Secretary to this Our Commission, and to attend you, whose services and assistance We require you to use from time to time as occasion may require.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster, the Twenty-second day of March in the Twenty-eighth Year of Our Reign. (1865.)

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

We, Your Majesty's Commissioners, appointed to inquire into and report upon the state and operation of the various laws now in force in the different parts of the United Kingdom of Great Britain and Ireland, with respect to the constitution and proof of the Contract of Marriage, and the Registration and other means of preserving evidence thereof; and also into the state and operation of the Laws of the United Kingdom in relation to the Marriages of European British subjects in India and in the Colonies; and also into the state and operation of such of the Laws of the United Kingdom as relate to the Marriages of British subjects in Foreign Countries,— have now to state to Your Majesty, that we have inquired into and considered the subjects so referred to us, and have agreed to the following Report.

MARRIAGE LAWS OF THE UNITED KINGDOM.

I. As to the Constitution and proof of the Contract of Marriage, and the Registration and other means of preserving evidence thereof, in the different parts of the United Kingdom of Great Britain and Ireland.

The

The law, as to the legal capacity of persons to contract marriage, is, with certain exceptions (depending upon the effect, under particular circumstances, of Scottish sentences of divorce *a vinculo matrimonii*), the same throughout the United Kingdom. Minors, under the ages of 14, if male, and 12, if female; persons of unsound mind; persons physically disqualified; and persons under the bond of a prior subsisting marriage, are disabled from marrying (*a*); and persons related to each other within the prohibited degrees of consanguinity and affinity (which are the same in all parts of the United Kingdom), are incapable of intermarrying together.

Capacity to contract marriage.

For the marriage of members of the Royal Family (except the issue of Princesses married into foreign families), it is a condition precedent, that they must either have obtained the consent of the reigning Sovereign, or, being of the age of 25 years or upwards, have given 12 months' notice to the Privy Council, without an expression of dissent from the marriage, during that period, from both Houses of Parliament (*b*).

All other persons are legally capable of the marriage contract, in England and Ireland; and in Scotland also, except that, in Scotland, an adulterer or adulteress, divorced by the sentence of a competent Court, declaring the adultery to have been committed with a person named in the sentence, is disabled by statute from intermarrying with that person. In some cases (as will be hereafter noticed) persons whose previous marriage has been dissolved by the sentence of a Scottish Court are held in England and Ireland to be still under the bond of such prior marriage; though in Scotland they are deemed free to marry again.

In other respects, the marriage laws of England and Ireland differ most materially from that of Scotland; and the laws of England and Ireland (which are now chiefly contained in a series of modern Acts of Parliament), while they agree in their leading principles, differ in many important particulars, and do not apply those principles in a uniform or always in a consistent manner.

The laws of England and Ireland agree, in requiring, for the legal constitution of marriage within their respective jurisdiction, a solemn and formal contract, deliberately entered into in the presence either of a minister of religion of the Established Church, or of some other denomination recognised by law, or of a civil officer, duly authorized; and in accepting, as sufficient for this purpose, either a religious or a purely civil solemnity. They also agree in prescribing various conditions, as to residence, notice, place, time, and other matters, with a view to prevent the clandestine and unlawful, and to regulate the lawful, celebration of marriage; compliance with some of these being essential to the constitution and validity of the marriage, with others not essential. An important exception, however, to this general agreement, is found in Ireland, in the case of Roman Catholic Marriages, for which no conditions of the latter kind are prescribed. In both countries, provision is made for a general registry of marriages, with a view to their greater publicity and more authentic proof; but the validity or the proof of marriage is not made dependent upon such registration, or upon any other particular kind of evidence.

General principles of the English and Irish law.

The points in which the laws of England and Ireland differ will appear from the following comparison of their main provisions.

(A.) THE MARRIAGE LAW OF ENGLAND.

The law and practice of England, with respect to marriage, may be most conveniently regarded under the division of (1.) *Marriages by the Established Church*, and (2.) *Other Marriages*.

Law of England.

(a) Upon a dissolution of marriage by sentence of the Divorce Court in England, the bond of the dissolved marriage does not cease, so as to enable the parties to marry again, till after the lapse of the time allowed by the Statute for appeal, or (in case of an appeal) till after the appeal has been disposed of.

(b) 12 Geo. 3, c. 11. (1772).

(1.) *Marriages by the Established Church.*

1. Church marriages.

From the year 1753 (the date of Lord Hardwicke's Act, 26 Geo. 2. c. 33), to 1836 (the date of the Act 6 & 7 Will. 4, c. 85, which first authorized marriages in registered buildings, and before a registrar), the power of solemnizing lawful marriages, when the parties were neither Quakers nor Jews, was conferred by the Legislature upon the clergy of the Established Church only; and about seven-ninths of the whole number of marriages in England are still so solemnized (*a*).

For the legal constitution of any marriage, so solemnized, it is necessary that it should either be preceded by the publication of banns for three Sundays in the parish church or public chapel of the parish or chapelry (or of each parish or chapelry, if more than one) in which the parties to be married "shall dwell": or be authorised by a licence, or registrar's certificate. The great majority (more than five-sevenths) of such marriages (being chiefly those of persons belonging to the poorer classes) are by banns (*b*), for which fees of considerable amount (as compared with the payments required for licences), though varying in different places, and often of doubtful legality, are by custom payable.

Banns.

Although banns are intended as a security against clandestine and unlawful marriages, the law has given the clergyman no express power to call for or compel any information as to the age, kindred, history, or other circumstances of parties unknown to him; except, that he may, if he think fit, require from them seven days' notice, with a statement of their names, places of abode within his parish or chapelry, and length of residence in such places of abode. No legal penalties, however, are incurred by the false statement even of any of these particulars.

In rural parishes, where the population is generally small, the object of publicity may, no doubt, be attained by banns; but they are, on that very account, distasteful in many parts of the country, not only to persons desiring concealment, but also to others who are apprehensive of temporary annoyance from their neighbours. Some (according to the information which we have received) (*c*) who have been living in concubinage, and might otherwise be disposed to marry, are kept back from doing so by fear of the notoriety attending the publication of banns; and many others procure their banns to be published in populous places where they do not usually live, and are not personally known, and where the clergy have neither the leisure to seek nor the means of obtaining accurate information concerning them (*d*). In such places, it seems universally agreed, that no really valuable publicity is attained by banns; they afford no safeguard against improvidence, illegality, or fraud; and they are often, from their great number, an inconvenient and unseemly interruption to divine service.

A controversy has lately arisen concerning the proper time of publishing banns (*e*). According to the common practice, founded on the generally received interpretation of Lord Hardwicke's Act (26 Geo. 2 c. 33) and of 1 Geo. 4, c. 76, the publication takes place after the Second Lesson, as well during Morning Service, as in the few cases where from the want or suspension of any Morning Service it is done during the Evening Service. Before these statutes the time appointed by the rubric in the Book of Common Prayer was during the Communion office, after the Nicene Creed, and the opinion that this direction ought still to be followed when the publication takes place during Morning Service has lately found advocates, and has probably led to a diversity of practice in many parishes.

A marriage

(a) In 1854 the total number of registered marriages in England and Wales was 160,367. Of these 24,206 were conducted in Roman Catholic and dissenting chapels and 14,611 in Superintendent Registrars' offices. The rest, 141,490, were marriages by the Established Church. (See the Registrar-General's evidence, App., p. 42.)

(b) In 1854, out of 140,740 registered marriages according to the rites of the Church of England, 109,772 were by banns, 10,200 by common licence, 19 by special licence, and 4,812 by Registrar's certificate. (See the Rev. Mr. Wilks' Evidence, App., p. 18.)

(c) App., p. 14.

(d) App., pp. 1, 2, 7, 8, 15, 16, 71, 163.

(e) App., pp. 22, 168.

A marriage, founded on banns, can only be solemnized in one of the churches or chapels in which the banns have been published, and banns cannot lawfully be published in all churches and chapels, but only in parish churches, and in other churches or chapels specially authorized by episcopal licence, or Order in Council.

Of licences, there are two kinds : a common licence, which is granted by the Ordinary, through his chancellor and surrogates ; and a special licence, which is granted only by the Archbishop of Canterbury. For the latter, no fixed period of residence is necessary ; and it authorizes marriage at any hour of the day or night, and at any place, whether consecrated or not. It is granted only on special grounds, and for a pecuniary payment, so large as to be prohibitory to all who are not in very affluent circumstances ; and being very seldom applied for or issued, it has no general influence upon the operation of the marriage laws of this country. On an average, about 12 special licences in the year are issued from the Faculty Office. Licences.

A common licence may be obtained by any person who is prepared to make the requisite payments (these are said to vary, but in the diocese of Rochester they have been stated to us at 4*l.* 8*s.* 6*d.*, including the fees on solemnization) (a), and to declare on oath that one of the parties to be married has, for the preceding 15 days, had his or her usual place of abode within the parish or district, in the church or chapel of which the marriage is to be solemnized ; that there is no lawful impediment known to the deponent ; and (if either party be a minor not previously married) that the consent of the proper parent or guardian (if any) has been obtained. The only penalty expressly imposed by law for the false statement of any of these particulars is forfeiture (to be enforced, if necessary, in Chancery) of any pecuniary benefits which the party might take under the marriage. No further inquiry is made, either by the surrogate, or (except the solemn admonition to disclose any known impediment addressed to the parties in the course of the Church service) by the clergyman called upon to solemnize the marriage ; no kind of publicity is given to the application ; and no interval of time is required to elapse between the application and the grant of the licence, or between the grant of the licence and the solemnization of the marriage. About one-seventh of the whole number of marriages solemnized in every year by the Church of England take place under this description of licence (b).

The conditions on which a superintendent registrar's certificate, for marriage by a clergyman of the Established Church, may be obtained, are exactly the same as those required for the other modes of solemnization, which may take place under the registrar's certificate ; which will be hereafter specified. The clergy of the Established Church are not bound, but they are at liberty, to solemnize marriage under these certificates. A small proportion only of the whole number of marriages by the Church are so celebrated. Registrar's certificate.

A marriage by common licence, or by a clergyman under a registrar's certificate, must be solemnized in a church or chapel, named in the licence, or within the district of the registrar. Place, time, and manner of solemnization.

Every marriage by the Established Church requires for its celebration the ministry of a duly ordained clergyman (the presence of a civil registrar not being required) ; and every such marriage (unless by special licence) must be celebrated between the hours of 8 and 12 a.m. ; and the law directs that it shall be attested by two witnesses besides the officiating minister.

(2.) *Marriages other than those by the Established Church.*

The law offers to those of your Majesty's subjects who may not desire to be married according to the rites of the Established Church the alternative of marriage according to the religious usages of any other denomination, or marriage Marriages by Registrar's certificate or licence.

(a) App., p. 14. £2. 2*s.* 6*d.* is the fee fixed for the Vicar-General's and Faculty Office, and in the Bishop of London's Office. Of this charge 12*s.* 6*d.* is for stamps.

(b) App., pp. 18, 170.

marriage by a purely civil ceremony. Whichever alternative is chosen, certain preliminary proceedings are required to be taken in the office of the superintendent registrar, which come in place of the banns or licence of the Established Church; and the presence of a civil registrar at the solemnization of the marriage is in all cases required, except when the marriage is according to the usages of Quakers or Jews.

The system of registration, with which these provisions of the law are intimately connected will be afterwards explained.

The preliminary requirements are as follows :

Notice.

Residence required,
and interval of time
after notice.

The parties intending to marry must give notice to the superintendent registrar of each district (if more than one) in which they reside, accompanied by statutory declarations, stating, under pain of perjury, various particulars more numerous and precise than those required for a church licence. A "notice book" is kept in the superintendent registrar's office, in which copies of all such notices must be entered, and which is open to public inspection at reasonable times. The marriage may take place either upon the "certificate," or upon the "licence," of the superintendent registrar. In the former case, the notice must state a previous residence of at least seven days in the district, and a copy of the notice must be "suspended in some conspicuous place" in the superintendent registrar's office during 21 successive days next after the entry in the notice book. In the latter, the declaration must show a residence in the district for at least 15 days next before the notice; and a licence authorising an immediate marriage may issue on the second day after the entry in the notice book.

If one of the parties resides in Ireland or Scotland, notice to the Irish registrar, followed by his certificate according to the Irish marriage law, or a due publication of banns in Scotland, is accepted as equivalent to an English notice and certificate.

Place of marriage.

The certificate or licence always specifies the place where the marriage is to be solemnized, which may either be the office of the superintendent registrar himself or a registered building, or, in the cases of persons professing to be Quakers or Jews, a place where marriages are celebrated according to the usages of Quakers or Jews.

If the marriage be in a registered building, it must (as a general rule) be within the district, or one of the districts, in which the notice was given; but the certificate or licence may authorize its solemnization in the usual place of worship of the parties (if not more than two miles beyond the limits of the district), or in a registered building within the nearest district in which the ceremonies which they wish to adopt are used, upon special cause being shown by certain forms of declaration prescribed by statute (*a*) for cases in which adherence to the general rule might be inconvenient or impracticable. No marriage can be solemnized, under the registrar's certificate, in any church or registered place of worship, without the consent of the minister of such church or place of worship.

Registration of
places of worship
for marriage.

Every separate building, certified under 52 Geo. 3, c. 155, as a place of religious worship may, under Lord Russell's Act (6 & 7 Will. 4, c. 85), be registered as a building for the solemnization of marriages upon the application of a proprietor or trustee, accompanied by a certificate of at least 20 householders, that they have used such building for one year as their usual place of religious worship, and that they desire it to be registered; and any part of a building, licensed and used for public religious worship as a Roman Catholic chapel only, is deemed, for this purpose, a separate building.

Presence of
registrar.

Every marriage in the registrar's office must be solemnized in the presence of the superintendent registrar; every marriage in a registered building must be solemnized in the presence of one of the registrars under his superintendence. Both in the registrar's office and in registered buildings, the marriage must be solemnized in the presence of two witnesses, and between 8 and 12 o'clock, a.m.,
and

and the parties must declare that they take each other as husband and wife, knowing of no lawful impediment. No other form of solemnization is prescribed, the addition of any kind of religious ceremony being permitted in a registered building, but prohibited in the superintendent registrar's office.

In all these respects the law and practice is uniform, whether the parties are Roman Catholics, Presbyterians, or of any other religious denomination, except Quakers and Jews. The marriages of Quakers and Jews, having been excepted from the operation of the Acts prior to 6 & 7 Will. 4, c. 85, are now subject to a peculiar legislation. The same notice is required from them, as from other Nonconformists, and they must, like others, be married under the superintendent registrar's certificate or licence. But they are not restricted to marriage in registered buildings, or in places within the district in which the parties dwell; any place within the superintendent registrar's district, in which marriages can properly be solemnized according to their respective usages, may be named in the certificate or licence, and the presence at the marriage of their own registering officer, in the case of Quakers, or of an officer certified in a particular manner to be the secretary of a Jewish synagogue, in the case of Jews, is accepted as sufficient to authenticate the contract, without the attendance of a civil registrar.

Uniformity of the law for all Nonconformists,

except Quakers and Jews.

Rather more than one seventh of the whole number of marriages in England are annually celebrated in registered buildings, and about one-twelfth in registrars' offices (a). The cost of marriage by a registrar's licence has been stated to us at 2*l.* 10*s.* (b). No fee is payable for the solemnization of marriage in a registrar's office.

Cost of marriage by registrar's licence.

Marriages of Minors.

With respect to the marriages of minors, the law is substantially the same (though with some unimportant differences in its directory provisions), whether the marriage is intended to be solemnized by the Established Church, or otherwise.

Minors.

The consent of parents or guardians (subject to an appeal to the Court of Chancery, in cases of unreasonable refusal) is so far required by law, that the parent or guardian, by publicly forbidding the banns or the solemnization, or by caveat, or by entry in the registrar's marriage notice book, may prevent the banns from proceeding, or the licence or certificate (as the case may be) from issuing, or the marriage from taking place; and the consequence of the marriage of a minor, without the proper consent, may be, that the Court of Chancery will deprive the offending party of any pecuniary benefit from the marriage. But it is not incumbent on any clergyman, surrogate, or superintendent registrar, to call for any proof of consent, beyond the declarations of the parties when a licence is applied for, or notice given to a registrar; and the marriage of a minor, if actually solemnized without the requisite consent, is valid in law.

Caveats and Prohibition of Marriage.

A caveat, or entry of prohibition, in the registry of the ordinary, or in a registrar's office, alleging any legal impediment to a marriage, stops the issue of the surrogate's licence, or of the registrar's certificate or licence, until the objection is disposed of in due course of law. Power is given to superintendent registrars to inquire into and decide upon the validity of such objections, subject to an appeal to the Registrar General: and a caveat entered in the registry of the ordinary may be brought for adjudication before the judge, for whom the surrogate is deputy, or (in the absence and with the sanction of the judge) may be disposed of by the surrogate.

Caveats.

Effect of Non-compliance with Legal Requisites.

The effect of non-compliance with the various legal requirements, as well in cases of marriage by the Established Church as in others, must now be stated.

The

(a) App., pp. 18, 170.

(b) App., p. 14.

Penalties on parties.

The false statement of any of those particulars, as to which affidavits or statutory declarations are required, is punishable as perjury or misdemeanour, or by forfeiture of pecuniary interests, but does not vitiate a marriage.

Illegal celebration made felony.

The wilful celebration of a marriage by a clergyman of the Established Church, or a registrar, in contravention of the law, is felony by statute.

No evidence can be offered after a marriage for the purpose of showing non-compliance with the provisions of the Statutes as to residence.

Nullities.

Nullities.

False names.

No want of attestation, or other mere defect of form, will vitiate any marriage contracted in good faith. But it may be vitiated and rendered null in law by the falsification, or even by a slight disguise, through the fraud of both parties, of a Christian name or surname in the publication of banns (though not in a licence); and possibly also in a registrar's certificate.

When Church marriages are void.

A marriage according to the rites of the Established Church is, by 4 Geo. 4, c. 76, s. 22, "null and void to all intents and purposes whatsoever," if the parties (*i.e.*, both of them) have "knowingly and wilfully" intermarried in any other place than a church or chapel in which banns may be lawfully published (unless by special licence), or have "knowingly and wilfully" intermarried "without due publication of banns, or licence from a person having authority to grant the same, first had and obtained," or have "knowingly and wilfully assented to or acquiesced in the solemnization of such marriage by any person not being in holy orders."

When marriages under 6 & 7 Will. 4, c. 85, are void.

A marriage purporting to be solemnized under 6 & 7 Will. 4, c. 85, is by that Act declared to be "null and void," if the parties (the Act says "any person," but it is presumed that both parties must concur) shall "knowingly and wilfully" intermarry in any place other than the church, chapel, or registered building specified in the notice and certificate, or without due notice to the superintendent registrar, or without the superintendent registrar's certificate, duly issued, or without his licence when necessary, or in the absence of a registrar or superintendent registrar, where his presence is necessary under the Act.

It is obviously possible, that such expressions as "*knowingly and wilfully*," and, "without *due* publication of banns," may occasionally give rise to difficulties, especially when the rule, that everyone is presumed to know the law, is taken into account. The Legislature has on various occasions recognised that possibility, by passing special Acts for the confirmation of marriages solemnized in particular places, in which it has been suggested that authority to publish banns may have been wanting; as, for example, when a church has been rebuilt, and not re-consecrated, which some persons suppose to be necessary after rebuilding a church. The facts in such a case may be notorious; and if the law be as supposed, and if knowledge of it is to be imputed, the law may be said to have been "knowingly and wilfully" violated, on the same ground on which a marriage would be held void (as we apprehend it certainly would) if it were solemnized (however ignorantly) without *any* publication of banns at all, or any common or special licence, or registrar's certificate or licence; or if it were solemnized in a church or other place where no banns had been published, or (if the marriage was not by banns) which was manifestly unauthorized by the terms of the licence, or of the certificate, as actually granted.

Banns and licences, &c., not available after three months.

No publication of banns, common or special licence, or superintendent registrar's certificate or licence, is available as legal authority for the solemnization of any marriage at any time more remote than three months from the date of the last publication of banns or of the issue of the licence or certificate.

Quakers and Jews.

A marriage cannot lawfully be contracted according to the peculiar usages of the Quakers except between persons, both of whom are members of or (if not members) "profess with and are of the persuasion of" the Society of Friends, nor according to the peculiar usages of the Jews except between persons both of whom are of the Jewish religion. These usages being referred

to by the Statutes as the rules of lawful solemnization, difficult questions, perhaps even affecting the validity of marriages *bonâ fide* contracted, may be liable to arise, in cases in which it may be alleged that those usages have not been properly observed.

Except in these peculiar cases, of Quakers and Jews, no marriage in England is liable to be held void on any ground connected with the religious belief or persuasion of both or either of the parties, in whatever form, by whatever person, or in whatever place it may have been solemnized.

Registration.

All marriages solemnized by the clergy of the Church of England ought by law to be contemporaneously recorded in the proper church registers, under the custody and responsibility of the incumbent or other officiating minister, and duplicates of these registers are required to be sent once in every year to the Diocesan Registry. Ecclesiastical registers.

For the purposes of civil registration, there is a General Register Office in London, under the Registrar General; and the country is divided into districts (framed for the most part by the subdivision of Poor Law Unions), each of which is under a superintendent registrar. In every district, subordinate registrars are appointed to be present at marriages; and their place, in the case of Quaker marriages, is supplied by persons certified to the Registrar General by the recording clerk of the Quakers at their central office in London to be registering officers in England of the society; and, in the case of Jewish marriages, either by persons who are certified to the Registrar General, by the president for the time being of the London committee of deputies of the British Jews, as secretaries of synagogues in England professing the Jewish religion, or by the secretary of the West London Synagogue of British Jews (certified as such by 20 householders professing the Jewish religion and being members of that synagogue), or by persons certified by the secretary of the West London Synagogue as secretaries of synagogues in connection with that synagogue, and having been established for not less than one year. Civil registers.

Registering officers of Quakers.

Secretaries of Jewish synagogues.

Marriage register books, in a prescribed form, and forms for certified copies, are furnished free of cost by the Registrar General to the superintendent and subordinate registrars, the clergy of the Established Church authorised to solemnize marriages, and the registering officers of the Quakers, and certified secretaries of Jewish synagogues. Every officiating minister of the Established Church, registering officer of Quakers, secretary of the husband's synagogue in the case of Jews, or civil registrar present at a marriage, is required by law to enter, in one of these books, as soon as may be after their celebration, all marriages solemnized by him or in his presence, and to send duplicates or copies every three months to the superintendent registrars (or, in case of the clergy of the Established Church, to some registrar of the district, by whom such duplicates or copies are to be transmitted to the superintendent registrar); and each superintendent registrar, four times in every year, is required to transmit the duplicates or copies so sent to the Registrar General, in whose office they are permanently deposited. Forms to be filled up and transmitted to the Registrar General.

Both the ecclesiastical and the civil registers, thus kept, are receivable in all courts as evidence of marriage, and are by themselves sufficient for the *prima facie* legal proof of its due solemnization; but the fact of marriage may be otherwise proved, when the circumstances are such as to render such proof credible, notwithstanding the absence of register evidence. Register evidence.

This system of registration is found in practice to work easily and well, and to produce a very high degree of certainty and security in the proof of marriage.

(B.) THE MARRIAGE LAW OF IRELAND.

(B.) Law of Ireland.

So far as relates to marriage by the Established Church, there are few points of difference between the law of England and that of Ireland. Irish Church marriages.

Banns.

The publication of banns in Ireland is governed solely by the Canons of the Church and the Rubrics in the Book of Common Prayer. It therefore always takes place during the morning service, after the Nicene Creed; and it would appear that three successive publications on *Sundays* are not necessary; publication on any holy-day of the Church, on which divine service is performed, being equivalent to publication on a Sunday. In Ireland, therefore, it would seem to be possible that, at some seasons of the year, the necessary publication of banns might be completed within a much less period of time than the *minimum* of fifteen days required in England; it has even been suggested to us, by one witness (*a*), that, in Easter week, by making use of the holidays for that purpose, an Irish marriage by banns might lawfully be solemnized on the third day after the first publication. The Irish clergy, also, have not the power, given to the English clergy by 4 Geo. 4, c. 76, to require, if they think fit, before publishing banns, seven days' previous notice, with information on certain points as to the names and residence of the parties.

We are informed, however, that in Ireland, on account of the cheapness of licences, which are stated to cost not more than 5s., marriage by banns according to the rites of the Established Church is much less frequent (at all events in the province of Dublin) than by licence (*b*).

Common licences.

A common licence is granted by the ordinary, through his chancellor and surrogates, after seven days' notice from either of the parties, and on the statement (verified by affidavit) of the residence of such party for not less than seven days next preceding in the parish named in the notice. The affidavit must also depose to other particulars, as to names, rank, condition, age, and the dwelling places and length of residence of both parties, which are fuller and more precise than those required in England. The notice must be entered by the surrogate in a "Marriage Notice Book" kept in his office, and open to public inspection, without fee, at reasonable times, with which every surrogate is supplied by the Registrar General for Ireland. In these respects the law as to marriage by common licence in Ireland appears to be framed very much on the model of the English law as to marriage by a registrar's licence. A further safeguard is superadded by 7 & 8 Vict. c. 81, sec. 2, which may in many cases be of some practical value, and to which there is nothing similar in the English law; viz., the surrogate is required to send a copy of every notice for a marriage licence, as received by him and entered in his book, to the incumbent of the parish (or of each of the parishes, if different) in which the parties dwell.

Special licences.

A special licence in Ireland is granted only by the Archbishop of Armagh.

Time for which banns or licence is available.

A common licence, in Ireland, as in England, ceases to be available, unless it be followed by the solemnization of marriage within three months. But it does not appear that this or any other limit of time is fixed by law in Ireland for the solemnization of marriage after a due publication of banns, or under a special licence.

Registrar's certificate.

It is compulsory upon the clergy of the Established Church in Ireland (and not optional, as in England) to solemnize marriage under the authority of a registrar's certificate.

With the above exceptions, the law of marriage according to the rites of the Established Church appears to be the same in Ireland as in England.

Other Marriages.

But with respect to marriages, other than those by the Established Church, there is an extensive divergence between the laws of these two parts of the United Kingdom; the marriage law of Ireland being sectarian or denominational, and varying in the substance of its provisions according to differences of religious belief, to a much greater extent than the law of England.

Of such marriages, there are in Ireland three distinct classes: (1.) Roman Catholic marriages; (2.) Presbyterian marriages; and (3.) Marriages under a registrar's certificate or licence.

(a) App., p. 17, The Rev. S. C. Wilks.

(b) App., p. 186, Dr. Ball.

(1.) *Roman Catholic Marriages.*

Until the year 1863, marriages between two Roman Catholics (being the great majority of the whole number of marriages annually solemnized in Ireland) were left to the operation of the common law, without any statutory enactment; and, so far as relates to the legal constitution of marriage between such parties, this is still the case; the provisions of the Act passed in that year (26 & 27 Vict. c. 90), being directory, with a view to the registration only of such marriages. Roman Catholic marriages.

By the common law (as determined by the House of Lords in the celebrated case of *The Queen v. Millis*) (a) the presence of a clergyman in holy orders, either of the Roman Catholic or of a Protestant Episcopal Church, at the time of solemnization, was essential to the valid constitution of the contract of marriage: but a marriage solemnized by any such clergyman, whether publicly or privately, at whatever time or place, and in whatever form or manner (between parties competent to intermarry), was valid, without any previous publication of banns, licence, notice, residence, or consent; and this is still the law of Ireland as to all Roman Catholic marriages.

The solemnization, however, of mixed marriages by the Roman Catholic clergy in Ireland is not permitted. By the Irish Statute 19 Geo 2, c. 13, every marriage celebrated by a Popish priest between two Protestants, or between a Papist and "any person who hath been or hath professed him or herself to be a Protestant at any time within twelve months before such celebration of marriage," is declared absolutely null and void to all intents and purposes; and by two other Acts of the same reign such a celebration of marriage is made a capital felony. Mixed marriages by Roman Catholics.

These enactments (except as to the punishment of death) are still in force, and it is a controverted question what ought, under them, to be the test of Protestantism, or of a "profession" of Protestantism. When these statutes were passed, *all* mixed marriages in Ireland between Protestants and Roman Catholics (even if solemnized by the clergy of the Established Church), were prohibited under severe penalties; but that prohibition has long since been removed, except as to marriages celebrated by Roman Catholic priests.

There is no statute, except those above mentioned, affecting Roman Catholic marriages in Ireland.

By the law of the Roman Catholic Church, under the decrees of the Council of Trent (which are now received throughout Ireland), the presence of the bishop of the diocese, or priest of the parish (or of some other priest deputed by the priest of the parish) is made indispensable for the solemnization of a marriage recognised as valid by that law; and every Roman Catholic marriage ought, according to the same law (though not under pain of nullity), to be preceded by the publication of banns for three Sundays, unless dispensed with (as in Ireland it usually is) by episcopal licence. Of these matters, however (being requisites of marriage by the internal economy only of the Roman Catholic Church), the law of the land takes no cognizance; and a marriage, contracted in the presence of any Roman Catholic priest in Ireland, between two Roman Catholics, although contrary to the law and discipline of their own church, would be legally valid. Marriage Law of the Roman Catholic Church in Ireland.

(2.) *Presbyterian Marriages.*

The Irish Marriage of 1844 (7 and 8 Vict. c. 81, which was passed in consequence of the decision in the case of *The Queen v. Millis*, invalidating all celebration of mixed marriages (b) by Protestant Nonconformists) draws a line between Presbyterians and other Protestant denominations; and, in its mode of regulating Presbyterian marriages, follows closely the analogy of the law relating to marriages by the Established Church. Presbyterian marriages.

Between

(a) 10 Cl. & Finn., 524.

(b) An Act of the Irish Parliament (21 & 22 Geo. III. c. 25) had previously legalized marriages solemnized by Protestant dissenting ministers between Protestant dissenters.

Between two parties, of whom either is a Presbyterian (a fact into which no inquiry is permitted after the marriage), marriage may be solemnized in a certified Presbyterian meeting house, by a Presbyterian minister, according to the forms used by Presbyterians.

Presbyterian banns.

Every such marriage must be preceded either by a publication of banns during Divine Service on three successive Sundays in the certified meeting house (or in each of the meeting houses, if more than one) "frequented by the congregation" (or congregations) "of which the parties are members," or by a licence, granted by certain Presbyterian ministers whose function closely resembles that of surrogates in the Established Church. If both parties are Presbyterians, they have the choice of banns or licence; if only one, a licence (of which the cost is 5s.) is necessary.

Presbyterian licences.

Notice required for banns.

Before publication of banns in a Presbyterian meeting house, the statute requires six days' notice (so that at least 21 days must elapse between the notice and the marriage), with a statement of the names of the parties, the congregations of which they are members, the houses in which they live or lodge, and the length of their abode there.

Conditions of Presbyterian licences.

For the grant of a licence, a declaration on oath by one of the parties of residence during the last 15 days within the Presbytery, together with other particulars similar to those required for a surrogate's licence, is necessary; and besides this, the party must produce to the licensing minister, seven days before the licence issues, a certificate from the minister of the congregation of which he or she shall have been a member for a least one month previously, in a form prescribed, stating that the party has duly entered a notice of the intended marriage in a book kept for the purpose in that congregation (which, however, seems to be of little use for the purposes of publicity, as it is not open even to all members of the congregation for general inspection), and that he is a member of that congregation, and adding other particulars very similar to those required both in England and Ireland for a registrar's certificate or licence. This minister's certificate is to be filed in the licensing minister's office, and a copy entered in a book furnished to him by the Registrar General.

Caveats.

If any objection is taken by caveat or otherwise, to the issue of a Presbyterian licence, the licensing minister judges in the first instance of the validity of such objection, and if he refuse the licence an appeal lies to the Presbytery, who may either confirm his refusal or direct the licence to issue.

**Place of solemnization.
Hours of solemnization.**

Every licence must specify the certified meeting house in which the marriage is to be solemnized; and it must be solemnized there, and not elsewhere, by a Presbyterian minister, with open doors, between the hours of 8 a.m. and 2 p.m.

Presbyterian licensing ministers.

Licensing ministers are appointed by each Presbytery, with the approval of the Lord Lieutenant of Ireland; they give security to the Registrar General before they issue licences, and they hold their office during the pleasure of the Lord Lieutenant. With them also it rests to certify the Presbyterian meeting houses in which marriages are to be solemnized to the Registrar General, who, after giving public notice, registers the meeting houses so certified.

Certified Presbyterian meeting houses.

No limit of time.

It does not appear that the space of three months or any other fixed time, is limited for the legal solemnization of marriage under a Presbyterian publication of banns or licence.

Almost all marriages among the Irish Presbyterians take place by licence, although more costly, and giving more trouble, than the publication of banns. No provision is made for the acceptance in lieu of the ordinary mode of procedure among Irish Presbyterians of any corresponding or other procedure in England or Scotland, in the case of one of the parties residing in either of those countries.

(3.) *Marriages by Registrar's Certificate or Licence.*

Under this head are comprised all other Nonconformist marriages in Ireland (except those of Roman Catholics and Presbyterians), including the marriages of Quakers and Jews, and marriages by a merely civil ceremony. Marriages by registrar's certificate or licence.

The procedure as to notices, declarations, registrar's certificates and licences, and the conditions as to time and otherwise, upon which such certificates and licences issue, are, with the following exceptions, substantially the same in Ireland, as under the parallel system in England.

The notices must, in all cases, be given to the district registrar; and whether the marriage is to be by his certificate or by his licence, the notice and the declaration accompanying it must state a residence of the party for not less than seven days immediately preceding within the district. It must also state (together with other particulars, similar to those required in England), what is the church, chapel, or place of worship usually attended by each party; and that they have attended such place of worship for not less than one month. Notices.
Declarations required.

Wherever the marriage is to be solemnized, and whether by certificate or licence, the district registrar is required, under the penalty of 40*l.*, to send notice by post to the minister of the church, chapel, or place of worship described by the applicant as that which each of the parties usually attends. If the celebration is to take place in a church, chapel, or registered place of worship, notice must be sent in like manner to the minister of that church, chapel, or place of worship; or, if according to the usages of Quakers or Jews, to the registering officer of the Quakers, or the secretary of the synagogue. If the solemnization is to be in the registrar's office, the notice must be hung up in that office during the whole period required to elapse between the date of the notice and the time of solemnization; but, except in the latter case, no such exhibition of the notice or other mode of publication is required. Notice to be given to minister of the place of worship which each party attends; and to the minister who is to officiate.
Ditto to registering officer of Quakers and secretaries of Jews.
No public exhibition in registrar's office unless the parties are to be married there.

A registrar's certificate (as in England) issues after an interval of 21 days from the date of the notice; but a registrar's licence cannot issue till seven days after the notice. Registrars' certificates (not licences) may be issued for a marriage by the Established Church or by a Presbyterian minister; and are made equivalent by law in both cases to a due publication of banns. When either party resides in England or Scotland, an English registrar's certificate, or a Scotch publication of banns on three Sundays, is accepted as sufficient by the Irish registrars. Interval before grant of certificate or licence.

The registration of places of worship for the solemnization of marriage takes place in Ireland upon the application (which may be made either to the district registrar or to the Registrar General), of a proprietor or trustee, accompanied by a certificate of 10 householders (not 20, as in England), stating that they are members of a congregation which has used such place of worship for one year. Registered places of worship of Non-Presbyterian Protestant dissenters.
On certificate of 10 householders.

All marriages in Ireland under a registrar's certificate or licence must be solemnized within three months after its date, in the place named in the certificate or licence, with open doors, between the hours of 8 a.m. and 2 p.m.; and, since 1863, the presence of a registrar at such solemnization, which was previously necessary, is no longer required, unless the marriage takes place in the registrar's office. Time and place of solemnization.
Registrar's presence not required.

If the marriage is "according to the usages of any church, denomination, or body of Protestant Christians," it must be solemnized by a minister of the Church, &c., to which one, at least, of the parties belongs. Protestant marriages with religious rites.

Minors, Caveats, &c.

As to the marriages of minors, consent of guardians, caveats and prohibitions the law of Ireland (so far as relates to all but Roman Catholic marriages) is substantially the same as that of England. As to Roman Catholic marriages there is, on these subjects, no law. Minors, caveats, &c.

Consequences of Illegal Celebration.

Consequences of
illegal celebration.

Penalties.

Nullities.

Severe penalties are imposed on all ministers of religion and registrars wilfully contravening the directions of the Irish Marriage Acts. The provisions of those Acts, both as to formal and other irregularities which do not vitiate marriage, and as to knowingly and wilfully marrying in an unauthorized place, or without the requisite publication of banns, licence, notice, or registrar's certificate or licence (which renders the marriage absolutely null and void), are substantially the same with those of the law of England.

Registration.

Registration.

The system of registration in Ireland (as to all but Roman Catholic marriages), is also similar in its general arrangements to that in England. Besides the parochial and other registers of the Established Church, there is a civil registry, under the Registrar General in Dublin; with country districts, under district registrars.

Duties imposed on
all Protestant
ministers, and on
officers of Quakers
and Jews.

The ministers of the several churches and chapels of the Established Church, Presbyterian meeting houses, and other registered places of worship in which marriages may be solemnized, are supplied with proper books in duplicate by the Registrar General, and are bound, under heavy pecuniary penalties, whenever they solemnize a marriage, to record it in these books; one of which is kept in each congregation as a local register by the officiating minister for the time being of the particular church, chapel, or meeting house; and the other is required to be transmitted periodically by such officiating minister to the registrar of the district, to whom also transcripts are sent quarterly, for transmission to the office of the Registrar General, in which they are permanently kept. In the cases of Quaker and Jewish marriages, the functions in these respects of the officiating minister, are fulfilled by the registering officers of the Quakers, certified as such to the Registrar General by the recording clerk of the Society of Friends at their central office in Dublin, and by the secretaries of synagogues, certified to him by the President of the London Committee of Deputies of British Jews. An effective general registration of all marriages in Ireland, except those solemnized by the Roman Catholic clergy, is by these means attained.

Different system as
to Roman Catholic
marriages.
Mr. Monsell's Act.

For the registration of Roman Catholic marriages a different system is provided by Mr. Monsell's Act (26 and 27 Vict. c. 90).

Previous certificate
from registrar to be
returned after
marriage.

Roman Catholics, about to be married, are required, under a penalty of 10*l.*, upon the husband, to obtain previously to the celebration, from the district registrar, a form of certificate with particulars to be filled up. This certificate is to be signed at the time of the marriage by the officiating clergyman, the parties, and two witnesses; and the husband is required to return it by post, to the district registrar, within three days after the celebration of the marriage, under the like penalty of 10*l.* No legal obligation, however, for any of these purposes, is imposed upon the officiating clergyman; and the consequence is that although in some of the Roman Catholic dioceses in Ireland, through the influence of the clergy, these provisions of the law are extensively complied with (*a*) in other dioceses (and probably in the majority of cases), they are, as yet, extensively disregarded; and no prosecution is known to have taken place under this Act (*b*).

Duty imposed on
the parties only, and
not on the officiating
clergy.

Roman Catholic
Church registers.

By the law of the Roman Catholic Church every parish priest solemnizing marriage is required to enter the particulars of such marriage in registers to be kept for that purpose; and it has been stated to us, that, although the preservation of these parochial registers may have been neglected in former times, the authorities of the Roman Catholic Church in Ireland now strictly enforce this part of their law, and that it would be an advantage if these registers were made legal evidence (*c*). It is not, however, the custom in Ireland (as it is in France), for the originals or duplicates of these registers to be sent to the diocesan bishops; and no adequate securities seem to exist for their proper official custody, or for their safe transmission from each parish priest to his successor (*d*).

(*a*) App., pp. 3, 9, 10, 11, 32, 37, 97. (*b*) App., pp. 106, 112, 186. (*c*) App., p. 32. (*d*) App., p. 100.

(C.)—THE MARRIAGE LAW OF SCOTLAND.

Under the Act 19 & 20 Vict. c. 96 (commonly called Lord Brougham's Act) it is necessary, for the validity of any marriage contracted in Scotland, that one of the parties should either have his or her usual place of residence in Scotland at the date of the marriage, or have lived in Scotland for 21 days next preceding such marriage. Before this statute, it was very common for English persons to contract clandestine marriages in Scotland at Gretna Green and other places, immediately after crossing the border; a practice which this Act has effectually suppressed (a).

Lord Brougham's Act, 21 days' residence in Scotland necessary.

With this exception, the legal constitution of marriage in Scotland depends, not upon the observance of any solemnities or other conditions prescribed by statute, but upon the ancient Canon Law; which, although now altered generally in the Roman Catholic Church by the decrees of the Council of Trent, and superseded in every other part of European Christendom by Civil Legislation, still remains in force in Scotland, subject only to such modifications as it has undergone from time to time by the application of the rules of evidence established in that country, and the course of judicial decision (b). Penalties are imposed by several ancient laws upon the clandestine solemnization of marriage; and, by recent enactments, the power of formal solemnization is conferred upon the ministers of all religious persuasions, and provision is made for the registration of marriages. But none of these enactments alter, or in any way limit the application of the rules of the ancient Canon Law as to the constitution of marriage.

The ancient Canon Law.

Under this system of law it is not requisite that the contract should be made or authenticated in the presence of any minister of religion or civil officer, or by any kind of solemnity, formal declaration, or other definite act. "The leading principle," said Lord Deas in a recent judgment (c), "is that consent makes marriage. No form of ceremony, civil or religious, no notice before or publication after, no consummation or cohabitation, no writing, no witnesses even, are essential to the constitution of this, the most important contract which two private parties can enter into, whether as affecting their domestic arrangements or the pecuniary interests of themselves and their families. Matrimonial consent may be verbally and effectually interchanged when no third party is present; and if it can be proved, even at the distance of years, by subsequent written acknowledgments or oath of reference, or in any other competent way, that such consent was seriously and deliberately given, the parties will be held to have been married from that time forward, whether they have cohabited in the interval or not."

Consent of parties makes marriage. No solemnities, &c., required.

Professing to be founded upon this principle, the language of the Scottish law recognises three distinct modes of constituting marriage: one called "Regular" and two called "Irregular." *Regular* marriages are those which are solemnized according to certain rules of procedure, established by custom or statute, in the presence of a minister of religion, corresponding, therefore, with the various modes of marriage (except that by a Civil Registrar) authorised by law in England and Ireland. *Irregular* marriages are those which are not thus solemnized, the first class of irregular marriages being said to be constituted *per verba de presenti*, i.e., by some present interchange of consent to be thenceforth man and wife, privately or informally given, and the second class, *per verba de futuro, subsequente copulâ*, i.e., by a promise of future marriage without any present interchange of consent to be husband and wife, followed at a subsequent time by carnal intercourse.

Regular and irregular marriages.

(1.) *Regular Marriages.*

Before the Statutes 10 Anne, c. 7, and 4 & 5 Will. 4, c. 28, the solemnization of marriage by any person other than a minister of the Established Church of Scotland

Regular marriages. Originally confined to Ministers of Established Church.

(a) App., pp. 3, 121, 131.

(c) Leslie and Leslie, Court of Session Reports, 2nd Series, XXII., p. 993.

(b) App., p. 83.

Extended by 10
Anne, c. 7, to
Episcopalians.

And by 4 & 5 Will.
4, c. 28, to Ministers
of all other Per-
suasions.

But banns to be
published in
parochial churches.

Six weeks' residence
required before
banns.

Time and manner of
publishing banns.

Fees charged
for banns.

Solemnization by
Minister of
Religion, &c.

Usually in private
houses.

Registrar's
presence not
required.

Scotland was prohibited under severe penalties, and deemed clandestine and irregular. The first relaxation of this law, by 10 Anne, c. 7 (*a*), was in favour of the Protestant Episcopal Communion only, whose ministers, duly ordained by Protestant bishops, were thereby permitted to celebrate marriage between persons whose banns should be published on three several Lord's days in the Episcopal congregations frequented by both of them, as well as in the parochial churches. In other respects the general prohibition continued in force till 1834, when by 4 & 5 Will. 4, c. 28, all the penalties imposed by the older statutes upon the celebration of marriage in Scotland by Roman Catholic priests or other ministers, not belonging to the Established Church of Scotland, were repealed, and it was declared lawful for all persons in Scotland, "after the proclamation of banns there," to be married by any priests or ministers not of the Established Church.

To render, however, the solemnisation of marriage under these statutes lawful and regular, the previous publication of banns in the Church (*i.e.*, the Established Church) of the parish in which each of the parties resides, was, and is still, in all cases required, whether either or both of the parties belong to the Established Church, or to any other denomination.

For this purpose application is made to the session clerk of the parish. Every such application must state (and the statement must be verified by the certificate of two householders or of one elder of the parish) that the parties (or one of them) have or has resided for six weeks in the parish, and are or is personally known to the certifying householders or elder, and that they are unmarried, and not related to each other within the prohibited degrees.

The publication of banns takes place by the session clerk in the parish church at the time when the congregation is assembled for, and immediately before the commencement of, Divine service. It must be repeated three times, and it ought properly to take place on three successive Sundays. But the general practice, in fact, is to make all the three publications on the same Sunday, on payment of fees considerably larger than those which would be payable if the more correct practice were observed (*b*). Of the fees charged for banns by the session clerks in Scotland, much complaint has been made before us; they are said to be in many places exorbitant, and to be imposed or augmented without due legal authority. We have even been informed by Dr. Stark, one of the chief officers under the Registrar General for Scotland, that their effect is to "drive large numbers of the lower orders to marry irregularly, or more commonly to live in a state of concubinage, simply because they are unable to pay these high fees, charged for the publication of banns, which would have enabled them to marry regularly," (*c*) and a similar representation has been made to us by the town council of Edinburgh and the parochial board of Leith. (*d*)

It is not necessary that regular marriages in Scotland should be solemnized in any particular form or at any particular place or time. The presence of any minister of religion at the time of solemnization, wherever it takes place (or, in the case of Quakers and Jews, of their proper officers), entitles them to the character of marriage *in facie ecclesiæ*, and (except in the cases of Roman Catholics and Protestant Episcopalians, whose general practice is to marry in their churches or chapels) they are, in fact, usually solemnized in private houses, and indiscriminately at all hours of the day.

No provision is made by the Scottish Registration Acts for enabling the Civil Registrar to give the character of a regular marriage to any contract of marriage entered into in his presence without any religious ceremony, nor is the presence of a Civil Registrar required at any regular marriage, though his attendance, if the parties desire it, on payment of 20s. may be obtained. (*e*)

Non-compliance

(a) App., p. 3.

(b) App., pp. 93, 146, 149.

(c) App., p. 5, Evidence of Dr. Stark. It appears that the session clerks only, and not the parochial ministers, derive benefit from these fees.

(d) App., p. 46.

(e) App., p. 92.

Non-compliance with the legal conditions of regular marriage, as to banns or otherwise, may subject the parties concerned to statutory penalties, but cannot affect the validity of the interchange of consent as to constituting marriage; the utmost effect of such non-compliance being to make the marriage irregular.

(2.) *Irregular Marriages per verba de præsenti.*

As has already been stated, nothing more is necessary to constitute actual marriage by the law of Scotland, as now established, than a present interchange of consent, in whatever manner given, to become thenceforth husband and wife. If this be done without due publication of banns, or without the intervention of a minister of religion, it is irregular, and it falls equally within this category whether the consent is declared in the most open and authentic manner before a justice of the peace (of which instances are given in the evidence before us), (a) or before a Civil Registrar, or before any unauthorised person taking upon himself to celebrate marriages (as used to be the practice at Gretna Green), or in the most secret and private manner between the parties themselves, with or without witnesses, and with or without any subsequent open acknowledgment or matrimonial cohabitation.

Irregular marriages per verba de præsenti.

But although this is now fully settled to be the law of Scotland, it is by no means generally admitted that it always was so. On the contrary, it is confidently maintained by some high authorities (b) that this doctrine is a recent innovation, due, in great measure, to the decision of an English judge, Lord Stowell, in the celebrated case of *Dalrymple* (A.D. 1811), and never conclusively established until the subsequent decision by the House of Lords of the case of *Macadam*. (c) In the former of those two cases, writings, secretly exchanged between a gentleman and lady in Scotland, without the knowledge of any other person, were held by the English Court Matrimonial to have constituted a valid marriage, so as to annul and render bigamous a marriage celebrated four years afterwards *in facie ecclesiæ* between the same gentleman and another lady in England, although the parties had kept the nature of their relation to each other, as expressed in those writings, from the knowledge of their families and the world, and had never lived together as husband and wife. In the case of *Macadam*, the marriage was held by the Scottish Court, and by the House of Lords, to have been well constituted for the purpose of giving all the rights of widowhood to the woman, and of legitimacy to children previously born, by words of present matrimonial consent exchanged between a man and a woman with whom he had, until that moment, lived as his mistress, the man contemplating suicide at the time, and committing it immediately after the words were spoken.

Considered by Mr. Fraser and others to be a modern innovation.

Cases of *Dalrymple* and *Macadam*.

According to the opinion of those Scottish jurists, to whom we have referred, these ought to have been deemed cases, not of actual marriage, but of mere pre-contract, and the view which they maintain is, that the law of Scotland, before those decisions, was generally and rightly understood to be the same with the law of England previous to Lord Hardwicke's Act (26 Geo. 2, c. 33), as that law has been expounded by the decision of the House of Lords in the case of *The Queen v. Millis*, according to which no *actual marriage* could take place without solemnisation by a duly ordained clergyman (Presbyterian orders being, of course, recognised in Scotland); but the Courts would compel the specific performance of a pre-contract (d) of marriage, and such pre-contract was held to be a diriment impediment to any subsequent marriage of either of the parties thereto, except with the other of them.

These cases considered by Mr. Fraser and others to be pre-contract, not marriage according to the law as formerly understood.

Under

(a) See Mr. Maclaren's evidence, App., p. 155.

(b) App., pp. 60, 128, 137.

(c) The case of *Macadam* had been decided in Scotland in 1806 (the Court not being unanimous), and was still under appeal in 1811.

(d) This law as to pre-contracts having been partially changed in England by the statute 32 Hen. 8, c. 38, was restored by 2 & 3 Edw. 6, c. 23, and was finally abolished by Lord Hardwicke's Act (26 Geo. 2, c. 33). In Ireland a like state of law was first modified by 12 Geo. 1, c. 3, ss. 6, 7, and afterwards abolished by 53 Geo. 3, c. 81.

(3.) *Irregular Marriages, by Promise, subsequente copulâ.*

Promise *de futuro*,
subsequente copulâ.

Under this category of cases, the law of Scotland, as it is commonly understood, practically treats persons as married who have never interchanged any present contract to become thenceforth husband and wife. A mere promise of future marriage is, according to the present law of Scotland, of no greater force or effect than a similar promise in England or Ireland, and mere carnal intercourse, without more, is in Scotland, as in England or Ireland, concubinage, and not marriage. Even to carnal intercourse, preceded by a promise of future marriage, no greater effect is ascribed, unless such promise is proved by writing under the hand of the party, or by his or her confession upon oath. If it were given ever so publicly, in the presence of any number of credible witnesses, the testimony of such witnesses could not be received to prove it, for the purpose of making the subsequent intercourse marriage. But to mere carnal intercourse, if preceded by a *written* promise of future marriage, or by a promise *afterwards confessed upon oath*, the effect of marriage is practically given.

Must be proved
by writing or oath
of party.

Oath cannot be
required if it would
invalidate a sub-
sequent marriage.

In a proceeding taken to establish marriage upon this ground, the defender may be called upon to confess or deny the promise on oath, if he has not in the meantime contracted marriage with any person other than the pursuer. But he cannot be put to his oath for such a purpose when the effect would be to invalidate another subsequent marriage. This protection is not given by the law to the innocent victim of the later marriage if the other mode of proof, viz., writing is resorted to. In that case, the promise *subsequente copulâ* will invalidate the later marriage however solemnly it may have been contracted, and however secret the previous promise and the intercourse following upon it may have been kept.

The observations of Lord Deas, in the case of *Leslie*, upon this state of the law appear to us important. After stating (in terms which we have already quoted) the general doctrine of Scottish law as to the constitution of marriage by consent, he adds:—

Observation of
Lord Deas in
Leslie v. Leslie.

“What is still more remarkable is, that even consent is not essential to marriage. A promise of marriage *subsequente copulâ* makes marriage without inquiry whether the parties meant marriage or not. . . . It may or may not be that the law in such cases presumes consent. I am speaking not of presumption, but of fact. And whatever the law for its consistency may presume, there may unquestionably be a marriage by promise *subsequente copulâ*, . . . where, in point of fact, consent has never been interchanged, and where the parties do not even know that the law holds them to be married persons. In the case of *Reid v. Lang* (H. L., 14th May 1823), where a marriage was held constituted by promise *subsequente copulâ*, the Lord Chancellor observed: ‘In all probability the girl did not know that *copulâ* would make a marriage.’ In the similar case of *Sim v. Miles* (20th November 1829) the Lord Justice Clerk Boyle observed: ‘Ignorance of the law cannot affect the question. We disregarded it entirely the other day in the case of *McLean v. Elder* where the woman wrote letters showing that she did not think she was married.’”

Question whether
promise *cum copulâ*
is marriage, without
a judicial sentence.

We have said that “the effect of marriage is practically given” to a promise of future marriage, *subsequente copulâ*, because, among other remarkable peculiarities of this doctrine, it seems to be to this day a doubtful and unsettled point in the law of Scotland whether the concurrence of these two facts is sufficient without more to constitute marriage, or whether they merely constitute such a case of pre-contract as to be capable of being enforced on the principle of specific performance by a court of justice, and to be a diriment impediment in the meantime to a marriage between either of the parties to such pre-contract and any other person not a party to it. The former opinion (viz., that the concurrence of these two facts, *per se*, constitutes marriage) seems to be that most commonly entertained, and, according to this view, a presumption is raised (either by what is called a “fiction,” or by a fixed and arbitrary rule of law) that at the moment of the *copulâ* a present interchange of consent to be husband

husband and wife, in performance of the previous promise, took place between the parties. But the contrary opinion, viz., that these circumstances amount to no more than a binding pre-contract which requires a judicial sentence before it can become actual marriage (which judicial sentence can only be pronounced during the lifetime of both parties) is maintained by very high authorities, among whom we may mention the late Lord Moncreiff and his son, the late Lord Advocate of Scotland (a), and also Mr. Fraser (b), the author of a learned and popular work upon the Marriage Law of Scotland. Lord Moncreiff, in a judgment delivered in the Court of Session, said,—

Judicial sentence in lifetime of both parties held necessary by Lord Moncreiff and others.

“If the material fact” (i.e., of a present interchange of consent) “is proved by the documents, it is *very* marriage, without the necessity of any process, and the children of such a union could establish their legitimacy after the death of one or both of their parents, though no declarator of marriage had ever been brought in their lifetimes. In this, the case entirely differs from another which is often confounded with it, that of a promise of marriage, *subsequeute copulâ*, which *by due process may be reduced into marriage*, as furnishing a legal ground for declaring a marriage to have been thereby constituted. But the difference is great in this point, *that declarator is essential to the constitution of marriage in that case, and that, if no such declarator be brought in the lifetime of both parents the marriage can never be established afterwards*. It is not at all so in regard to written declarations of marriage *de presenti*, or declarations of such consent to marriage *de presenti* before witnesses. These may be effectually proved at any time, and the only difference between them is, that where the matter is disputed the writings prove the case at once if the genuineness of them be proved or admitted, whereas, of course, parole evidence of verbal declarations which are denied must be adduced” (c).

The question, which of these two opinions is right, is still controverted, and has never been made the subject of legal decision. According as it may be determined one way or the other, the actual *status* of a man and woman, living together after a written promise of marriage, but without any *present interchange* of matrimonial consent or decree of declarator, is that of marriage or that of concubinage, and of their children, legitimacy or illegitimacy.

The point still doubtful.

Habit and Repute.

“Habit and repute,” or the reputation of being married persons, acquired among relatives, friends, and acquaintances, by persons living together as husband and wife, is often spoken of as if it were another distinct mode of contracting marriage in Scotland. This, however, is not a correct view of the law; such reputation does not constitute, it is merely evidence of marriage, and the principle on which it is admitted as such evidence is not peculiar to the law of Scotland, but is common to every system of enlightened jurisprudence.

Habit and repute

not marriage, but evidence of marriage.

Consistently with this principle, Mr. Fraser (d), with indisputable correctness, has stated in his evidence before us that “*if it be admitted, or if it be the necessary result from the proved facts of the case, that consent was not interchanged*, then no amount of cohabitation and habit and repute will be sufficient to make marriage according to the law of Scotland. These two things, in short, only create a presumption which may be set aside, and the burden of proof shifted upon the same ground as it is held to be shifted by foreign laws.” “There seems to be a notion afloat that the law of Scotland tolerates this, that a man by living for 20 years with a woman and recognising her as his wife, going to church with her and sitting at table with her, where he speaks to her and treats her as his wife, he will thereby by these proceedings gradually slide into marriage with her. Now, there is not the slightest countenance for that notion in our law” (e).

Mr. Fraser's statement.

Judging, however, from the language and arguments of several of the witnesses before us, and also from the *dicta* in several reported cases, we are

Practical effect of the doctrine.

led

(a) App., p. 69. (b) App., p. 139. (c) App., p. 69. (d) App., p. 137. (e) App., p. 140.

led to conclude that there may be, and that there is, a considerable difference between this strictly logical view of the value of evidence of matrimonial reputation in the Scottish law, and the popular view of the same subject, and that the popular view may perhaps indicate more truly than the theoretical doctrine the practical working of the law of habit and repute in Scotland. Evidently there is a wide practical difference between the effect of cohabitation with reputation of marriage in a country the law of which requires some definite and solemn acts or act for the constitution of the contract, and its effect (though still considered merely as evidence) where no such solemnity is required, but where the relation may be constituted at any time by the private consent of the parties. In the former case the inquiry is, whether a certain external fact, independent of intention, did or did not happen; in the latter, it is really an inquiry into the intention with which a certain series of acts were done. The most express declarations, oral or in writing, by both parties that they are husband and wife will not make them so unless the judge is satisfied that the inward intention of their minds was in accordance with those outward words or acts. This has been held, not only as to declarations concerning the past, which are mere elements in the proof of cohabitation with repute of marriage, but even as to *verba de præsenti*, which if sincerely spoken would have themselves constituted marriage. * In the case of *Jolly v. McGregor* (3 Wilson and Slaw, p. 85), a marriage irregularly celebrated before a clergyman of the Established Church was set aside as a nullity, because the Court was satisfied that the parties had no real matrimonial intention, and never regarded the ceremony as binding. Lord Glenlee (in the *Balbougie* case) (a) said (and the House of Lords in the same case affirmed his doctrine): "The cohabitation under the married character must be uniform and consistent, for a few instances in which a man behaves to a woman as his mistress will do away a thousand in which he addresses her as his wife. A man without the least thought of marriage may behave to his mistress as if she was his wife, may not choose to contradict her before strangers who call her such, nor to expose at all times the nature of the connexion."

It is impossible not to perceive the copious elements of doubt and uncertainty which the application of the doctrine of habit and repute may introduce, in a variety of circumstances, under such a state of the law. An opinion, however, is entertained by some, whose views are entitled to much consideration, that instead of producing, upon the whole, any evil effect, the practical tendency of this state of the law is to discourage concubinage, and to promote regular marriage. It appears to be thought that the law would sometimes imply marriage in such doubtful cases, although the parties themselves may not really have made up their minds to be married, and would, if they were required to say positively and conclusively whether they were married or not, decline to give an affirmative answer to that question: and that the risk of such a construction of an equivocal course of life may tend to diminish the frequency of illicit connections. It was suggested to a witness of great authority, during his examination before us (b), that "nobody could be the husband of a wife by habit and repute except by his own will; that it was his own conduct which induced the reputation; that if he wished not to be married, he would not so act as by habit and repute to be a husband; that, as it depended on his own will whether he would be married or not, there seemed to be no reason to suppose that, having the will to marry, he would not do whatever the law might require for that purpose." The reply of the witness was, "I understand that in the metaphysical view; but, as applied here, it is reasoning in a circle. You may say, that, if the presumption raised by habit and repute be a true one, the parties will prove the fact by avowing it. But it seems to me clear that if that reason be logically carried out, the presumption of law is useless. It is only useful where the fact is doubtful;"—adding that, as according to his view of the practical effect of the presumption, "*connections continued in concubinage*" (i.e., under the pretence or reputation of marriage), necessarily would become marriage unless there were a clear intention to the contrary,

Intention is the subject of inquiry.

Without intention, an irregular ceremony is not marriage.

But practically habit and repute may make marriage without intention.

Mr. Moncreiff's evidence.

(a) *Baron Hume, Dict.*, p. 376.

(b) App. p. 67, evidence of Mr. Moncreiff, Question 80.

contrary, the parties would have no interest to continue in that state, and not to be married in the face of the Church." Another witness (Principal Barclay) (a) considered that, in some cases, in which the status of marriage might be established by law, "it was very possible that both the parties did not intend marriage; that one or both of the parties may have been attempting to impose upon the other." We have thought it right to state these views; although, for reasons which will appear in the sequel of our report, we are not ourselves satisfied of their soundness.

Principal Barclay's evidence.

Statistics of Regular and Irregular Marriages.

While the law restricted the power of solemnizing marriage regularly to the clergy of the Established Church "regular marriages" (according to the evidence of Dr. Stark) (b) "in many parishes and districts, became the exception and not the rule;" and he adds, "it may be safely assumed that, during the whole of the 18th century, a third of the marriages in Scotland were contracted irregularly; and even far into the 19th century the number of marriages contracted irregularly was very great."

Among other remarkable effects of this state of things was a practice (indicative of a prevailing sense of the insecurity, without some public authentication, of irregular marriages) of using the penal Acts, and particularly those of 1661 (chapter 34), and 1698 (chapter 6), against clandestine marriages, for the support and protection of the system which they were intended to suppress. By the former of these statutes, the parties to such marriages were liable to be imprisoned for three months, or to pay a fine, according to their rank. But these penalties were evaded by collusive proceedings, in which persons desirous of contracting an irregular marriage, appeared before the magistrate of a burgh or a justice of the peace, who pronounced, on their confession, a sentence, finding that they had contracted a clandestine marriage, imposing a fine, which was merely nominal, and reserving the question, whether they ought or ought not, to be imprisoned. An extract of this sentence, from the Court books, was delivered to the parties and regarded by them as their marriage certificate (c).

Mr. Fraser (d) states that this practice only existed in three or four places in Scotland: Annan, Dumfries, Rutherglen, and the Canongate of Edinburgh; that its prevalence was mainly due to Lord Stowell's decision in the case of Dalrymple; and that he has not heard of it for the last 20 years. By the Registration Act, however (17 & 18 Vict. c. 80), the continuance of this practice, as late at all events as 1853, seems to be recognised.

A great change followed upon the liberal legislation of 1834; and we learn from Dr. Stark (e) (whose testimony, in this respect, is confirmed by every other Scottish witness), that from the time when ministers of all denominations were permitted to perform regular marriages, a state of public opinion began to grow up, under which an irregular marriage was regarded as "implying a stigma;" and that at the present time (Lord Brougham's Act having entirely put an end to English Gretna Green marriages), irregular marriages have become very rare indeed. Dr. Stark reckons the present proportion of irregular to regular marriages as not more than one in 1,000; the total numbers of irregular marriages registered between 1854 and 1861 being—9 in 1855; 36 in 1856; 7 in 1857; 27 in 1858; 17 in 1859; 16 in 1860; 25 in 1861; and in 1862, 27 out of a total number of 20,544 registered marriages in Scotland (f). In the last registrar's return, at the time of our inquiry, the number was 25 out of about 20,000 (g). It must be remembered, however, that no irregular marriages can be registered, except such as are (1) the subjects of prosecution (real or nominal) under the Acts against clandestine marriages, or (2) ascertained by decrees

(a) App., p. 135, Question 983.

(c) App., p. 73, evidence of Mr. Anderson.

(f) App., p. 3, and see Mr. Seaton's evidence, App., p. 91.

(b) App., p. 3.

(d) App., p. 137.

(e) App., p. 3.

(g) App., p. 63.

decrees of declarator, or (3) registered under a sheriff's warrant, upon the joint application of both parties, within three months after the marriage is contracted. It is, therefore, quite impossible to rely upon the General Registry as furnishing any data upon which even a loose estimate of the total number of irregular marriages actually contracted can be formed. They are stated by some of the witnesses before us (*a*) to be more common among the poor than among the higher and middle classes; and of the frequency of their occurrence among the poor, the number of litigated cases is certainly no test. The Committee of the Synod of the United Presbyterian Church of Scotland state (*b*), that "in cases of disputed marriage the present law, which renders actions of declarator of marriage competent only before the Supreme Court, involves a process so expensive, as in many cases to render its benefits beyond the reach of the humbler classes, to the deepest injury of the wife and children; and that to remedy this great evil jurisdiction should be extended to the sheriff to dispose of such cases, subject to appeal to the Supreme Court." It seems, however, to be generally agreed that the proportion of the total number of irregular to the total number of regular marriages is extremely small.

Upon the question whether those ambiguous relations, as to which doubt may be felt whether they are marriage or concubinage, are frequent in Scotland or otherwise, the opinions of persons who ought to be well informed widely differ. The number of cases litigated in the Courts of Law is certainly not very large, though some of them are very remarkable, and have attracted a large share of public attention. Mr. Moncreiff (*c*) in his evidence before us, says: "It is said that a man does not know whether he is married or not in Scotland; but I have seldom met a man who was in that position." On the other hand, Lord Deas, in Leslie's case (*d*), said: "The consequence of these peculiarities in our marriage law is, that there are at all times in Scotland a large number of individuals who cannot tell whether they are married or unmarried, and a still larger number of children as to whom no one can affirm whether they are legitimate or not." We do not refer to this opinion as judicial or authoritative, but the fact that it has been entertained and publicly expressed by an eminent judge of the Court of Session is certainly not without significance.

Registration.

Registration.

The general system of civil registration in Scotland (there being no provision made by law for any Ecclesiastical Marriage Registers, though the session clerks keep books, in which they enter the proclamation of banns,) is, in most respects, similar to that in England and Ireland. There is a General Register Office in Edinburgh, under a Registrar-General; and each parish in Scotland (subject to a power in the Sheriff to divide or unite parishes, &c.) is a district, within which there is a resident registrar elected by the parochial board, or, in burghs, by the town council; the session clerk, if duly qualified, being usually preferred for that office.

Registration of regular marriages.

Parties about to contract a regular marriage must obtain from the district registrar a schedule, containing the particulars to be entered on the register. This they are required to produce, together with the certificate of proclamation of banns, to the officiating minister, or (in the cases of Quakers and Jews) to the registering officer of Quakers, or the secretary of the synagogue of Jews. At the time of the celebration this schedule (duly filled up) is required to be signed by the parties, by the minister or person officiating, and by two witnesses; and the married parties are required (as in Ireland in cases of Roman Catholic marriages under Mr. Monsell's Act), to return the schedule, so filled up and signed, for registration, to the district registrar within three days after the marriage, under the penalty of 10*l*. on the husband, or (if he makes default in payment) on the wife. The registrar enters these schedules in duplicate registers,

(a) App., pp. 133, 173.

(b) App., p. 47.

(c) App., p. 64.

(d) Court of Session Reports, 2nd Series, XXII., p. 163.

registers, and afterwards transmits them, through the sheriff, to the Registrar-General.

The parties may, if they think fit, require the attendance of the district registrar at the marriage, in which case it is at once recorded in his register. But this, in practice, is rarely done.

In Scotland, as in Ireland, the system of requiring the parties themselves to return the schedule to the registrar (no duty in this respect being imposed upon the officiating minister), does not appear to be entirely successful. We are informed (*a*) by Mr. Seaton (for many years an assistant registrar), that "in the case of the poorer classes the schedule is sometimes forgotten, and kept for weeks or months"; and that there have been cases of parties going away suddenly to America without transmitting the schedule.

The only provisions made by law for the registration of *irregular* marriages are contained in 17 & 18 Vic. c. 80. ss. 48 and 49, and in Lord Brougham's Act, 19 & 20 Vic. c. 96. Under the former Act, persons *convicted* before a magistrate or justice of the peace of an irregular marriage, are authorized and required to register such marriage in the parish in which the conviction is obtained; and the magistrate or justice is bound under a penalty to give notice of the conviction to the district registrar. And in case of any irregular marriage being established by a decree of declarator of a competent court, either party is authorized to register such marriage in the parish of the domicile, or of the usual residence of the parties; and the clerk of the court is required, under a penalty, to give notice of such decree to the district registrar.

Registration of irregular marriages.

Marriages established by conviction before magistrate, or by decree of Court, may be registered.

Under Lord Brougham's Act, any parties who have contracted an irregular marriage may, *within three months after such marriage*, (not later), *jointly* apply to the sheriff or sheriff substitute of the county where the marriage was contracted; and on being satisfied of the fact of marriage, he may grant his warrant to the registrar of the parish or burgh where the marriage was contracted, who shall enter such marriage in his register, and grant a certificate thereof to the parties.

Also other irregular marriages within three months after they are contracted.

For the registration of irregular marriages, which have been the subject of a conviction or of a decree of declarator, a payment of 20s. is required. For registration upon the application of both parties, within three months, under Lord Brougham's Act, a payment of 5s. only.

The registers, in the custody of the district registrar, are kept in duplicate; and one of the duplicates, after examination by the sheriff, is annually transmitted to the Registrar-General, and permanently preserved in his office.

The registers kept according to law are of course receivable as legal evidence of marriage.

DESIRABLENESS OF UNIFORMITY IN THE MARRIAGE LAWS OF THE UNITED KINGDOM.

This being the state of the marriage laws of the several parts of the United Kingdom, and their manner of operation, it must be universally conceded, that, if it be possible to reduce them to one uniform system, such an object is in the highest degree desirable. "No one," says Mr. Moncrieff (*b*), "can doubt the excessive inconvenience of having different systems of constituting the most important of all social relations, prevalent in countries so nearly identical in character and interests, and so closely allied, both by natural and political relations. The object of assimilation is important and desirable beyond doubt; but it is far from being easy of attainment."

After

(*a*) App., p. 94.

(*b*) App., p. 59.

After the most careful and deliberate consideration of this subject, we have come to the conclusion, that the difficulties in the way of the attainment of this object are not insuperable; and that it is the duty of the State to make an earnest endeavour to overcome them. We agree, however, in the opinion strongly expressed to us by several witnesses from Scotland (*a*), that the means of assimilation are not to be found in the mere extension of the marriage laws of England or Ireland to that country. Of the inefficient character, and unsatisfactory operation, of the system of banns and other parts of the law of England, which have for their object the prevention of improvident or clandestine marriage, many English witnesses have spoken before us (*b*); and Mr. Boyd Kinnear (*c*) and Mr. Fraser (*d*) have criticised, not unjustly, the complexity of that law, and the elements of uncertainty introduced into it by some of the rules, on which the validity or invalidity of English marriages is made to depend. To the marriage law of Ireland, many of the same objections apply, and, with regard to mixed marriages, with augmented weight. Mr. Wallace (*e*), speaking on behalf of the Irish Wesleyan Methodists, (though alleging no grievance, specially affecting that body, and agreeing in substance with witnesses of other persuasions,) says:—

“We all complain of the state of the marriage law, as it affects the whole community, very much indeed In the first place, we are dissatisfied that the law itself should be divided into so many parts, that is, that instead of having a law for all parties, the law should be made in reference to such a number of parties: we complain in the first place, that the laws affecting the celebration of marriage are so numerous; we complain in the second place, that some of them are very hard to understand; that it is not very easy to say to what extent some of the old Acts have been repealed by amendments that have passed afterwards; that the state of the marriage law itself is in some respects obscure, that it is anomalous, if not quite, at least nearly beyond expression: for instance, in addition to the number of Acts that regulate the celebration of marriage, marriage is celebrated in Ireland lawfully in several different ways; there is one law for the Established Church, one for the Presbyterian, one for the Nonconformists, one for the Roman Catholics, one for the Quakers, one for the Jews, and a law for civil marriages where there is no religious service, so that in reality there are seven different methods of celebrating marriages legally in Ireland. Of course, though we do not specially complain, we do complain that that should be the state of a law which we conceive should be very simple and clear. Then there are not only these different methods, but the anomalies of them are very striking; for instance, it is a felony on the part of a parochial clergyman to celebrate a marriage that may be lawfully celebrated by a Roman Catholic priest. It is a felony for the Roman Catholic priest to celebrate a marriage that may be lawfully celebrated by a parochial clergyman, a Presbyterian minister, and a Nonconformist minister; and it is felony for a Presbyterian minister and a Nonconformist minister to celebrate a marriage that may be lawfully celebrated by a clergyman of the Established Church. We conceive that, with such a state of things, though no one denomination as compared another denomination has any special right to complain, each one has a generally right to complain.”

On the other hand, it is manifestly impossible, after more than a century's experience of a contrary course of legislation, the main principles of which have been generally accepted and approved, to introduce the present marriage law of Scotland, unaltered, into England and Ireland, and so return to that state of things which preceded and caused the passing of Lord Hardwicke's Act in 1753.

It remains, then (laying aside national partiality and prejudice, and deriving what light we can from the experience, the habits, and sentiments of every part of the United Kingdom), to consider what are the principles on which a marriage law, applicable to all parts of that kingdom, ought to be founded; and

(*a*) App., pp. 4, 47, 50, 113.

(*b*) App., pp. 1, 2, 7, 8, 15, 16, 36, 38, 50, 53, 70-100.

(*c*) App., p. 48.

(*d*) App., p. 141.

(*e*) App., p. 151.

and to bring the existing laws, where they differ from each other, to the test of those principles.

PRINCIPLES OF A SOUND MARRIAGE LAW.

(1.) We agree with the views, well expressed by Mr. Boyd Kinnear, in the following passage of his evidence. A good general marriage law, he says (a), "ought to embrace the maximum of simplicity and the maximum of certainty. Of simplicity, because it affects every class, and almost every person, the most humble and illiterate as well as the most exalted or learned, and because it has to be known and acted on in the absence not only of legal advice, but often in the absence of even ordinary common sense counsel. Of certainty, because it affects a contract and social relation the most important that can arise between human beings, because it affects the foundations of society itself, and influences the fate, it may be the eternal fate, of innumerable individuals.

"It is thus not an unreasonable practical test of the propriety of any marriage code to say that its provisions ought to be such as every woman not only can understand by study, but is correctly acquainted with through the common understanding of society; and that its security should be such that all persons, if honestly intending to marry, should be able to place their contract, by adoption of the ordinary means, beyond the reach of doubts."

(2.) We agree also with the English Roman Catholic Bishops (b), that, "As well for the sake of civil order, as of morality, as far as is consistent with securing correct information preliminary to the marriage contract, and with ensuring due evidence of the marriage contracted, it is of the utmost importance that every facility" (by which we understand every proper and reasonable facility) "be given for celebrating marriage, and especially as far as the poorer classes are concerned."

(3.) We think, consistently with this principle, that it is the duty of the State to discourage, and place obstacles in the way of sudden and clandestine marriages, both for the sake of inducing forethought and deliberation generally, in the formation of indissoluble relations, upon which the happiness, usefulness, and morality of life depends, and also for the special purposes of preventing incest and polygamy, and enabling parents and guardians to protect minors from improvident and unsuitable connections.

(4.) We think that the State should be absolutely impartial and indifferent, as between the members of different religious denominations; and (while leaving to private conscience, or to the spiritual authority acknowledged by each church or persuasion, the determination of all questions properly belonging to the province of theology) should found its legislation, as to marriage, upon the necessity and duty of regulating its civil conditions and effects.

(5.) At the same time, we entirely concur in the opinion of the late Bishop of Derry (c); who considered it both the wisdom and the duty of the State to associate its legislation, on this subject, with the religious habits and sentiments of the people, and to obtain, as far as possible, the religious sanction for the marriage contract. "Being," he said, "a contract of the highest possible importance, on the faithful observance of which the welfare of the community so largely depends, and the breach of which entails so many miseries, it is clearly the interest of the Commonwealth that the idea of it should be contemplated with the utmost solemnity, and that the strongest and most influential motives should be called into action in connection with it: on which account, it is in almost all ages and countries accompanied by the sanction of a religious ceremony, and notably so among all Christian communities from the earliest period."

Founding

(a) App., p. 47.

(b) App., p. 44.

(c) App., p. 34.

Founding ourselves upon these principles, we proceed to consider the first two subjects, which present themselves in the natural order of our inquiry, viz., (1.) the law relating to the capacity of persons to contract marriage; and (2.) the question, whether any solemn or formal act should be required to constitute or to authenticate the contract as between persons competent to enter into it.

(1.) *The Capacity of Persons.*

The laws of all parts of the United Kingdom, as to the capacity of persons to contract marriage, being already uniform, except on one point, their assimilation would appear to be easy, by merely repealing the prohibition in Scotland of the intermarriage of persons declared, by the sentence of a Divorce Court, to have been guilty of adultery together.

Scotch prohibition
in cases of adultery.

We think that this prohibition ought not to continue. The legislature declined to introduce any similar prohibition when the present divorce law was established in England, and as it now exists in Scotland, it is one of an arbitrary nature, depending on the terms of the sentence, not on the mere fact of adultery. Such penalties are found by experience inefficient to prevent evil, but they may prevent in some cases the only possible reparation of evils, past and irremediable, and it may well be doubted whether they are in that respect of any public advantage.

Conflict of Law of
Divorce in the
different parts of the
United Kingdom.

In Scotland, as in all other parts of the United Kingdom, persons under the bond of a prior subsisting marriage are disabled from marrying. There are, however, circumstances under which, upon the same limited state of facts, the question whether a particular person is or is not in that category, might be answered in one way by a Scotch, and in another way by an English or Irish Court, and the House of Lords itself might be compelled, upon appeal, to hold a marriage, bigamous in England or Ireland, to be lawful in Scotland.

It is a settled point in the law of Scotland that a sentence of dissolution of marriage (on proof of facts constituting sufficient ground for dissolution of marriage, according to that law, which admits of more latitude in this respect than the law of England), may competently be pronounced by a Scottish Court, between persons having their legal and matrimonial domicile and ordinary residence in England or in any other country, who have only resided in Scotland for a very short space of time, who have resorted thither (perhaps by mutual arrangement) for the express purpose of obtaining such a sentence, and who have no intention of remaining there after their divorce has been obtained.

The English Courts, on the other hand (with which, as we apprehend, the Irish Courts agree), refuse under such circumstances to acknowledge the validity of such a Scottish sentence; they treat a marriage subsequently contracted in England by either of the parties so divorced as bigamous, and the issue of such subsequent marriage as illegitimate.

If indeed the suit were *bonâ fide* and the legal domicile of the husband Scotch at the time of the divorce, although the marriage might have been originally English, the English Courts, according to the most recent authorities, might regard the marriage as effectually dissolved by a Scotch sentence; but it may, perhaps, be considered still an unsettled point whether they would recognise a *bonâ fide* temporary residence of both parties in Scotland, unconnected with any purpose of obtaining a divorce (but without a legal domicile in that country) as sufficient to enable English persons, when divorced by a Scottish sentence, to marry again in each other's lifetime.

We think that this conflict between the laws of England and Ireland on the one hand, and that of Scotland on the other hand, ought to be removed by legislative enactment: that the legal validity and effect of a sentence of dissolution of marriage, pronounced in a *bonâ fide* suit by a Court having
proper

proper jurisdiction over the parties and the cause, ought to be the same throughout the United Kingdom, and that the resort of persons domiciled and ordinarily resident in one part to the Courts of another part of the United Kingdom, for the sake of greater facility of divorce, ought to be prevented by proper limitations upon the jurisdiction of such Courts. The subject of divorce not being referred to us, we abstain from offering any recommendation as to the particular alteration which it may be proper to make in the law; but as bearing upon the question of the capacity of persons to marry, we have considered that this point could not properly be left by us without observation.

The age of legal capacity to marry has been fixed at a period much earlier than that at which marriage can, in any case, be prudent or desirable; but it rests upon the principle that marriage ought not to be made impossible by law between those who are capable by nature of being the parents of children. It is difficult to deny the force of this reason or to overrule it without the risk of introducing more serious evils than those which have been proved to result in practice from this state of the law. It might have been supposed that in Scotland, where the consent of guardians to the marriage of minors is not required, instances of immature marriage would be frequent, but so far as our information goes, this is not the case. Such marriages are said to be most common in the cotton districts of Lancashire. In a work on those districts (cited to us by the Rev. Mr. Wilks) (a), Mr. Arnold says,—

Age of capacity.

“The census returns of 1861 show that in Bolton 45 husbands and 175 wives were coupled at the immature age of 15 and under. In Burnley there were 51 husbands and 147 wives, and in Stockport 59 husbands and 179 wives in the same category. The same reliable evidence of the census shows that from 15 to 20 is the age at which a considerable number of the male operatives, and a still greater number of the female, are married. No one who has ever attended Manchester Cathedral will forget the ceremony of asking the banns of some hundreds of names; 19 to 22 in the male sex, and 17 to 20 the female, being the usual matrimonial ages.” Mr. Wilks was also informed by the late Canon Stowell (the incumbent for many years of one of the largest parishes in Manchester) that very few “of the young persons in the factories ever think of consulting their parents” when contemplating marriage. This state of things is certainly not satisfactory, but there can be no doubt that it is mainly due to the premature independence, and emancipation from parental control, of a large proportion of the youth of these populous towns, and a law which disabled such young persons from marrying at the ages at which many of them do now actually marry, without giving them the benefit of any effective guardianship and oversight, could hardly be conducive to their moral improvement.

The law of the Commonwealth under Cromwell required that males should be 16 and females 14 to be capable of marriage. The present law of France requires the male to have attained the full age of 18, and the female that of 15. If it were necessary to make a choice between these two rules, we should prefer the law of France to that of the Commonwealth, but it seems to us better, upon the whole, to retain our present law in this respect unaltered, than either to fix the stigma of necessary bastardy upon all children of parents below those ages, or to introduce the uncertainty which would arise from treating marriages contracted under those ages, either as void, unless ratified by subsequent matrimonial cohabitation, or as not void, but voidable by legal proceedings.

With respect to the prohibited degrees, we have received little evidence, and what we have received reflects (as might be expected) contrary opinions. Having regard to the circumstance that this was the subject of inquiry several years ago before a former Royal Commission, the report of which was followed by much public controversy, and by frequent ineffectual attempts at legislation; considering, also, that these attempts were based in part upon theological arguments, and in part raised social questions involving other domestic relations

Prohibited degrees.

(a) App., p. 18.

relations besides that of marriage, we have felt that the suggestion of any change in this respect (even if we ourselves had been satisfied that it was desirable) would be foreign to the main purposes of our inquiry, and calculated to throw needless impediments in the way of the other changes which we recommend.

(2.) *Inquiry whether any Solemnity should be required.*

The question whether the law should require in Scotland (as it does in all other parts of the United Kingdom) some kind of solemnity to constitute or authenticate the contract of marriage, is one of fundamental importance to our inquiry, for if this cannot be done, all hope of establishing one marriage law for the whole of the United Kingdom must be abandoned.

The system of irregular marriage now permitted by law in Scotland, appears to us to be irreconcilable with the principle that, in a contract of this importance, the law should aim at the attainment of the greatest possible degree of *certainty*. To whatever extent its operation may be narrowed or corrected by the sentiments and habits of the people, it seems to us undeniable that it opens the door to much doubt and uncertainty. It is no answer to this objection that in Scotland (as probably in every other country) those who wish to place their marriage beyond the region of doubt have no difficulty in finding out the proper way of doing so. Still less is it satisfactory to be assured (a) that "the cases in which doubt or difficulty can creep in in Scotland are reduced to a class with which it is not easy to have much sympathy. They are cases in which each party has been endeavouring to outwit the other by using or allowing ambiguous expressions, and in which, therefore, each has *known* that a certain risk was being run, or they are cases in which both parties have not truly meant an absolute marriage, but have tried to achieve a conditional arrangement which for certain purposes might be used as a marriage, and yet in certain events be disclaimed, and in which, therefore, both must have known the great risk of the contract being declared illegal." Even if this were a description really adequate to comprehend all the causes of uncertainty which may operate under such a state of the law, and if the limited number of celebrated marriage suits in the Scotch Courts could safely be appealed to as evidence of the rarity of such cases, we should still think it a great public evil that the social position of individuals, the status of descendants, the honour of families, the validity of matrimonial engagements solemnly entered into under the belief that there was no impediment, the succession to dignities and estates, should be capable of depending upon such obscure and complicated issues of law and fact as those which, in several recent instances, have divided the opinions of eminent judges in the Court of Session, and in the House of Lords itself. If these cases are (as we trust) rare and exceptional, the evil may be of limited extent, but there is so much the less reason why the state of law in which they originate should continue. If, on the other hand, they are numerous, the evil must be one of great magnitude, requiring the application of an immediate remedy.

It has already been seen that, as to one important part of this system (the doctrine of promise, *subsequente copulâ*) it is, to this day, a disputed point of law whether a certain state of facts does or does not *constitute* marriage, and another question equally momentous (the doctrine of marriage *per verba de presenti*, without the intervention of a clergyman), if now removed out of the category of disputed points of law, remained within that category till an extremely modern date. Nor can it be truly said that public opinion in Scotland has been at any time favourable to irregular marriages. By the older legislation, before the Union, every kind of clandestine celebration of marriage was prohibited under severe penalties. In 1754, after the passing of Lord Hardwicke's Act, the judges of the Court of Session, in obedience to an Order of the House of Lords, prepared a Bill for the reform of the Scotch marriage law (on the same principle, it is believed, though the Bill is not now extant,

with

(a) App., p. 49, evidence of Mr. Boyd Kinnear.

with Lord Hardwicke's Act) which was laid upon the table of the House, but not then further proceeded with. In 1772, Lord Hailes, a great authority, in an opinion delivered from the bench, after observing that the law enabling marriage to be proved "from consent, without the intervention either of Church or State," was derived from the rules of the canon law as it stood before the era of the Council of Trent, said: "All the European nations, Scotland excepted, have departed from the more ancient canon law, and have required the interposition either of Church or of State, or of both, to validate a marriage. Thus, what was the law of all Europe, while Europe was barbarous, is now the law of Scotland only, when Europe has become civilised." (a)

In 1849 the late Lord Rutherford (then Lord Advocate) introduced a Bill for the reformation of this state of the law, which passed the House of Commons, but meeting with considerable opposition in Scotland, it was afterwards relinquished. When that measure was introduced, the legislation of 1834 had been in force for only 15 years, and the subsequent lapse of 18 years more has enabled the change of popular habits and sentiments on the subject of regular marriage, which resulted from that legislation, to become settled and permanent. Lord Brougham's Act for the abolition of Gretna Green marriages has since been passed, with very general concurrence, and has been entirely successful. Several well-informed witnesses from Scotland (Mr. William Chambers, (b) the Right Rev. Dr. Murdoch, (c) Mr. Anderson, (d) Mr. Muirhead, (e) Mr. Seton, (f) and the Right Rev. Dr. Strahan) (g) have given evidence before us in favour of a complete alteration of the law of irregular marriage.

Among those whose opinion upon the general question appears to be different, some who speak with the greatest authority are advocates of important, though of less thorough, changes in that law. Thus, Mr. Moncreiff (h) thinks it might be right "to abolish the law of promise, *subsequente copulâ*; to restrict proof of consent *de præsenti*, when the marriage is not registered and the parties have not cohabited together openly, to a period of three years from the date of the alleged consent, and to refuse to either of the spouses their legal rights as regards the property of the other, *inter se*, unless the marriage should be registered."

Mr. Fraser (i) would not abolish, but would so far modify the law of promise, *cum copulâ*, that it should no longer be sufficient to annul a subsequent public marriage of one of the parties with a third person who had no knowledge of the pre-contract. Mr. Macpherson (j) says:—"As to marriage by exchange of consent *per verbâ de præsenti*, I must say that I consider it by far the least valuable and the least important of our irregular marriages, or rather modes of proving marriage, and I think so because I see by far the greatest number of litigations have arisen out of marriages of this kind. It is the most dangerous of all kinds of exchange of consent, because it alone affords no time for reflection, everything is perilled on the words used with matrimonial intent. There is no *locus pœnitentiæ*, even though no *copulâ* have followed. I think the reasons of policy for supporting such marriages weaker than those which apply to the case of a woman yielding her person for the first time on the faith of a promise of marriage. Moreover, when I look at the kind of cases that are reported, I see that the *verbâ de præsenti* are very often introduced after a course of illicit intercourse. I by no means wish to discourage the conversion of irregular relations into marriage, but I wish it done deliberately, and I would give an opportunity of pausing after the exchange of consent *per verbâ de præsenti*. My feeling is, that unless when cohabitation or *copulâ* have followed, this kind of marriage might be done away with without serious injury." Mr. Boyd Kinnear thinks that the manner in which the method of establishing a marriage by evidence of reputation operates in Scotland may not unreasonably be objected to, and he suggests (k) that "the abolition of this method would remove a considerable source of any perplexity which arises in the administration of the general marriage law in Scotland

(a) App., p. 83.

(b) App., p. 39.

(c) App., p. 12.

(d) App., pp. 74, 75, 82.

(e) App., p. 113.

(f) App., p. 90.

(g) App., p. 171.

(h) App., p. 70.

(i) App., p. 142.

(j) App., p. 123.

(k) App., p. 50.

Scotland without affecting the leading principle on which it rests." Mr. Maclaren (*a*) admits it to be "a very hard case to go back after a long lapse of time to try to rear up a marriage," and suggests that the commencement of proof (other than documentary), when a marriage is sought to be made out by circumstantial evidence, should not be allowed to be carried further back than seven years (or some other fixed and moderate period of time) before action brought.

On the other hand, it is necessary to state that opinions, generally favourable to the existing state of the marriage law of Scotland, have been communicated to us from quarters entitled to the highest respect, among them committees appointed by the General Assemblies of the Established Church (*b*), the Free Church (*c*), and the United Presbyterians (*d*), and eminent ministers of those churches, such as Principal Barclay (*e*) and Dr. Cook (*f*). We are far from undervaluing the importance of these opinions, or the authority of those from whom they proceed. The clergy of these churches represent, in matters connected with religion, the sentiments of the great majority of the people of Scotland: they practically administer the system of regular marriage, and their testimony as to the working of that system is entitled to implicit credit. But we trust it is consistent with the respect due to these opinions to say that they seem to us to be chiefly founded upon experience of the beneficial and satisfactory operation (since the change made in 1834) of the system of regular marriage, and that we cannot attribute to them decisive weight upon the very different question, whether the specific effects of the present law of irregular marriage are salutary or otherwise. The Committee of the United Presbyterians state (and we have no reason to suppose the experience of the other churches to be different) that "regular marriages are so universally required by the discipline of the Presbyterian Churches and by public opinion that the instances are extremely rare, and in the experience of hundreds of ministers of these churches unknown, in which any others take place among their members" (*g*).

Great stress is laid by several eminent witnesses upon the absolute safety of regular marriages under the present system. Thus, in answer to questions (*h*) by the Lord Justice Clerk (now Lord Justice General), Mr. Macpherson said that he attached importance to the principle of the marriage law of Scotland "mainly because it gave such great security to regular marriages," and made a marriage *in facie ecclesie* "unchallengeable on any ground whatever," and because, no forms being essential to the constitution of the marriage tie, "any defect in the formalities which usually attend a regular marriage would have no fatal effect, so that if a man and woman with the intention of marriage went before a clergyman and the ceremony of marriage was performed in the usual way, it was impossible that the marriage should fail unless they were in the prohibited degrees of relationship, or one of them was previously married." Sir George Clerk and Mr. Fraser answered similar questions (*i*) in a precisely similar manner.

These considerations would be entitled to the greatest weight if it were now proposed to make the constitution of marriage in Scotland dependent upon the observance of any intricate or cumbrous forms, or even if the alternative lay between retaining the law of Scotland as it is and introducing into that country the present marriage law of England or Ireland. But they furnish no argument against any proposition of change, of which the object is to put an end to secret consensual marriages, and to the doctrine of promise *subsequente copulâ*, by means consistent with the undiminished security of marriages solemnized *in facie ecclesie*, even though their celebration may have been in some respects informal.

It remains for us now to notice certain other arguments, both theoretical and practical, which have been advanced before us in support of the view that the present

(a) App., p. 152.

(b) App., p. 30.

(c) App., p. 47.

(d) App., p. 48.

(e) App., p. 152.

(f) App., p. 144.

(g) App., p. 47.

(h) App., p. 126, Questions 825-828.

(i) App., pp. 131, 143, Questions 904, 905-1063-1067.

present law of irregular marriage in Scotland is right in principle, and operates on the whole for the advantage of the community.

The theoretical argument may be thus stated :—That mutual consent being the essence of the contract, the fact of such consent, when established by any competent mode of proof, ought to be held sufficient without more to constitute marriage.

If it be true (as those who use this argument admit), that marriage is essentially a civil contract, it seems impossible to deny the abstract justice of the opinion expressed by Mr. Seton (a) that “society is entitled to insist that persons who are about to marry should celebrate the most important engagement in an open and unequivocal manner after due compliance with certain simple and uniform preliminaries. The law makes clear and full provision for contracts affecting the sale of houses and lands, horses and dogs, and goods and chattels of every description, and why marriage, the most important of all human contracts, should not be as anxiously defined and provided for, and thus placed beyond the reach of both fraud and doubt, appears to be one of the greatest anomalies in the law of a Christian country.”

It seems not out of place here to notice specifically what the civil effects of marriage in this country (or some of them) are.

Marriage exposes the husband or the wife who may attempt to enter into another similar contract before the first is legally dissolved to criminal prosecution and punishment, and it invalidates for all civil purposes, even as against an innocent partner and innocent issue, any such subsequent contract. Marriage gives to the husband or wife, if aggrieved by any act of conjugal infidelity, certain legal remedies in the civil courts. Marriage gives the husband a right (when not proved to have forfeited it by some breach of his marital duty) to compel the wife to reside with him by legal process. Marriage vests the wife's personal property and the right to receive and expend the income of her real property (except where otherwise provided by any trust or settlement) in the husband. Marriage makes the husband legally liable for the debts and contracts before marriage of the wife. Marriage disables the wife from binding herself during its continuance by any personal contract, and from conveying her property or making a will, except in a particular manner, or under some special authority. Marriage communicates to the wife the legal domicile and the settlement for poor law purposes of the husband. Marriage protects the wife in some cases from liability to arrest or imprisonment; in others, it exempts her from criminal responsibility for acts imputed by the law to the control of her husband; in others, it makes her, as against her husband, an incompetent witness. When either party dies the law gives to the survivor (unless excluded by previous contract) various interests, curtesy, dower, freebench, thirds, terce, *jus relictæ*, &c., in the property of the deceased, merely as a consequence of marriage. If there are children, the father's legal liability to maintain them, his power of government and control over them while living, and his right to appoint their guardians after his death, depend upon the marriage of their parents. So do the rights of the children to succeed, whether by devolution of law or by reason of family or other entails, wills, or settlements, to the property or shares in the property of parents, ancestors, or others, under the laws of inheritance, distribution, or legitim, or under any general destination to “next of kin,” “children,” “issue,” “relatives,” or “descendants.” So do the rights of citizenship and the corresponding duties of allegiance of the children of British parents born out of British territory; so does the succession to peerages, with seats, or eligibility to seats, in the hereditary branch of the Legislature.

We may add, that the present state of the Scottish law is itself inconsistent with the assumption that mere consent, however proved, ought always to be held sufficient. It has been seen that a promise of marriage, *subsequente copulâ*, sufficient by the law of Scotland either to constitute marriage, or to be the foundation of a declarator of marriage, is not permitted to be established by every

(a) App., p. 90.

every mode of proof which would be competent for the purpose of establishing any ordinary contract, but only by writing or oath of reference. Nor do the Scottish Courts allow marriage *per verba de presenti* to be proved by the testimony of the parties themselves; though they may, in some cases, be the only persons really acquainted with the facts. "The Scotch" (says Dr. Ball) (a) "are too wise a people to allow such a mode of proof." Yet the same parties, if they should happen to remove their residence from Scotland to England or Ireland, would there be permitted to prove themselves married by that very kind of evidence from the benefit of which they are excluded in Scotland. If, therefore, the law were to prescribe some definite mode of authenticating matrimonial contracts as a *sine quâ non* to their legal recognition, this would not be to introduce a principle at present unknown to the law of Scotland.

The practical arguments are these:—That a comparison, if fairly made, between the morality of England and that of Scotland, is not unfavourable to Scotland. That actions for seduction, prosecutions for bigamy, and divorces for adultery are more frequent in proportion to the population in England, than avowed concubinage is almost unknown in Scotland; that the matrimonial reputation, often allowed to grow up as a cloak for connexions originally illicit, has a tendency to induce regular marriage; and that the system of irregular marriage operates, on the whole, as a protection to the weakness, if not to the virtue, of the female sex.

We have endeavoured to bring these arguments to the test of facts; and we find, in the first place, that the number of registered marriages in Scotland is not greater, in proportion to the population, than in England; and that the number of births registered as illegitimate in Scotland is certainly not less than in England, and in some Scotch counties (b) exceeds the maximum rate even of the least moral districts in England. It is suggested that the Scotch registers may, in this respect, be better kept than the English; and that of the children registered in Scotland as illegitimately born, many may afterwards be legitimated by the marriage of their parents. Neither suggestion, however, has been supported before us by evidence; and, if the latter supposition were well-founded, it would be susceptible of proof, as the Scottish Registration Act makes provision for registering the legitimation, by subsequent marriage of their parents, of children illegitimately born.

In the next place, some of the witnesses examined before us state, as the result of their observation, that the effect of the peculiar state of law in Scotland is to obscure, if not to obliterate, the distinction between concubinage and marriage, and so to lower the general moral tone on the subject of incontinence of the poorer classes. Dr. Murdoch (Vicar Apostolic of the Roman Catholic Church for the Western District of Scotland), says (c):—"As to the various modes in which irregular marriages are legally contracted in this country, I have only to say that by the Roman Catholic Church at least they are strongly condemned, as productive of great moral evils, and especially of frequent separations of man and wife, but too often followed by second adulterous unions. The portion of the ill-instructed and ignorant Roman Catholics, incapable of distinguishing between the illicitness and the invalidity of irregular marriages, can scarcely be convinced that such marriages are real and binding; and hence instances of bigamy occur."

Mr. Seton (d) thinks that the Scottish law is unfavourable to morality, and productive of illegitimacy, "as from the circumstance of a woman generally trusting to a subsequent marriage, she frequently surrenders her virtue where otherwise she would not do so." Dr. Strahan (e) thinks that "the notion of sin, as connected with concubinage, is almost obliterated. . . . The general feeling" (he adds) "amongst the working classes is, that if they are afterwards married

(a) App., p. 188.

(b) In two of three northern counties, Mr. Fraser states the proportion to be as high as 16 per cent. App., p. 143.

(c) App., p. 12.

(d) App., p. 91, Question 302.

(e) App., p. 174, Question 1503.

married there has been no sin ; there is no scandal, no shame, no disgrace, and, consequently, they feel that there has been no sin ; that it has been made all right by the subsequent marriage." Mr. Macpherson (a) believes, "not merely from current rumour, but from information received from clergymen of various denominations, that in the majority of cases, among the working classes, in the more populous rural districts, when parties appear before the clergyman to be married, the woman either is already a mother or is in the family way." Dr. Strahan, having had his attention particularly drawn to this subject, in the course of a large medical practice found the proportion of women in the working classes who were in this situation when married to be not less than nine out of ten ; and he describes the following method of courtship as "universally prevalent" amongst Scotch agricultural labourers : "They go to the neighbouring farm-house after all the family are in bed ; they knock at the window ; the girl comes to the window, and, if she knows the young man, or, after a little parley, if she does not know him, she either comes out and goes with him to an out-house or he comes into her bedroom." This system (he says) goes on all through the year : "very commonly the young man visits the young woman once a week ;" and the parents of the young woman allow all this ; they have done it themselves before, and there is no objection to it" (b).

With respect to the rarity of avowed concubinage in Scotland, this may perhaps only mean, that the facility of passing off concubinage as marriage, when it is convenient to do so, induces, in those who form the more permanent kind of illicit connexions, a habit of compromising with social opinion, and not calling concubinage by its proper name. That concubinage (whether called by that name or not) is, in fact, not very unfrequent in the populous cities and towns of Scotland, is implied in the concurrent statements of the Corporation of Edinburgh (c), the Parochial Board of Leith (d), The Right Rev. Dr. Murdoch (e), and Dr. Stark (f), all of whom say that the high fees charged for the proclamation of banns have the effect of inducing or encouraging, among other evils, "concubinage." Mr. Maclaren (speaking upon the same subject) considers (g) that charge to be "*a great temptation to a kind of concubinage, which is called marriage, and perhaps is intended to be marriage.*" And he suggests amendments of the law, which would strike rapidly at the root of the system which prevails among the poorer classes in Glasgow and Edinburgh and other large towns, of living together as married persons, without being regularly married." Even if such persons, by the aid of the doctrine of habit and repute, might sometimes be held to be married, the moral estimate of their mode of living is evidently different from that which belongs to the condition of honourable and undisputed wedlock. Nor would it be safe to conclude that the habit and repute in such cases is generally or even often such as would be legally sufficient to prove marriage. Dr. Strahan (h) informs us, that when poor persons who have been living together in this manner become chargeable to the parish (the woman's parish if they are unmarried, and the man's parish if they are married, being liable to maintain their children) their status is not recognized as that of marriage without a decree of declarator. And we learn from Mr. Anderson (i) that "the instances are extremely rare in which marriage has been established on this ground (i.e., habit and repute) alone." He added that he "did not think that half-a-dozen such cases could be pointed out in the records of the Court of Session and the Consistorial Court from the earliest times. The evidence has generally broken down, by reason of the repute being divided."

As to the supposed tendency of the law of irregular marriage to induce persons who have formed equivocal connexions in Scotland to be regularly married, it is to be observed that, whenever this actually happens, the inference is, not that the parties previously considered themselves married, but the reverse. If they were really believed to be already married (though irregularly), it would not

(a) App., p. 122, Question 777.

(c) App., p. 46.

(g) App., p. 157.

(d) App., p. 46.

(h) App., p. 173.

(b) App., p. 172, Questions 1465-1470.

(e) App., p. 12.

(f) App., p. 5.

(i) App., p. 82.

not be regular to marry them again *in facie ecclesie*, nor (as would be necessary for that purpose) to proclaim their banns as those of single persons. We cannot doubt the correctness of Dr. Cook's statement (*a*), that such a practice is not common in Scotland. Only one instance of it had occurred during his experience; and, in that case, the parties had come from the English side of the border, and the regular solemnization was resorted to to satisfy the scruples of parents living in England. Principal Barclay, a clergyman of 38 years' experience, while expressing his belief (*b*), that, "where irregular marriages have been contracted by any of those in the middle or upper classes, they go on to complete them before a clergyman, in order to affect their social standing," was unable to call to mind so much as a single example of that kind as having come under his *own* personal observation. We cannot but agree with Mr. Anderson (*c*), Mr. Seton (*d*), and Dr. Strahan (*e*), in thinking it unlikely that persons, who have intentionally acquired the repute of matrimony, and who desire to preserve it, in a country where the mere interchange of consent is *ipsum matrimonium*, would afterwards "go through a ceremony which would practically be a publication to the world that they had hitherto been living in concubinage." If the state of the law which we are considering facilitates concubinage, by giving it, in some cases, a false semblance of respectability, it is no adequate compensation for that evil, that some, or even a considerable number of these connexions may terminate in regular marriage. The same thing happens in other countries, where a different law prevails, from the influence of motives universally felt and easily understood; and it must be especially liable to happen in Scotland, as long as children are legitimated by the subsequent marriage of their parents; a state of law which we assume will continue, and into which we do not consider it to be within our province to inquire. We are unable to see any reason why persons in these circumstances, who now make that acknowledgment of the previously disreputable character of their connexion, which is implied in the solemnization of a regular marriage, should not, from precisely the same motives, marry in any form which might be reasonably required by law, if the law and practice of marriage by private consent were entirely abolished.

Upon the protection which the law of irregular marriage, and especially of promise *subsequente copulâ*, is supposed to throw around females in Scotland, we are led, by the general result of the evidence before us to place no very high value. It is hardly possible that the technical and arbitrary rule as to the necessity of proving the previous promise by writing or oath of reference should be generally or popularly understood. Even so well informed a person as Dr. Bryce (a leading minister among the Irish United Presbyterians, maintaining intimate relations with the Scottish churches of the same denomination) was, when examined before us, under the impression that a merely verbal promise, made before witnesses, or otherwise satisfactorily proved, would be sufficient; and when informed of the rule to the contrary, he admitted (*f*) that it might be a source of great danger. "The necessity" (he said) "of having the promise in writing makes the matter worse, as a girl would be apt to overlook that circumstance. Theoretically that appears to me a very strong objection, and always has, even though I was under the impression till just now that a verbal promise, if fully proved, was, *subsequente copulâ*, a marriage. A girl has heard that a promise of marriage is as good in law as marriage; a man gives her such a promise, and presses for the immediate possession of her person. Even if a verbal promise *were* sufficient, she would run great risk in yielding, from the difficulty of proof, but this difficulty and risk she cannot appreciate; she has a strong and generous affection for her lover, and unbounded confidence in him; in a moment of strong mental emotion, and perhaps of physical excitement, she gives way; but since the promise must be in writing, and since not one girl in 10,000 is likely to be aware of that, it is most natural to conclude, *à priori*, that the law is more of a snare than a protection. At the same time there are theoretical objections on the other side; and when I see that the opinion of those who are practically conversant with the working of the law

(*a*) App., p. 145.
(*d*) App., p. 90.

(*b*) App., p. 134.
(*e*) App., 171.

(*c*) App., p. 73.
(*f*) App., 180.

law—lawyers and clergymen who have resided long in Scotland—is for the most part very strongly on the other side, I am afraid to condemn the existing law merely on *à priori* considerations.”

The committee of the Free Church of Scotland state their opinion (*a*) that, “instead of leaving a woman to dishonour and ruin, who has yielded on the faith of a solemn promise of marriage, and enabling her seducer to escape, the law protects the weaker party, and gives her the rights of a lawful wife, and her children the status of lawful children.” But such a broad statement appears entirely to lose sight of the limited nature of the proof which, in such cases, the law allows. The answer of Sir George Clerk to Question 879 (*b*) upon the same subject is open to the same observation. Mr. Fraser (*c*) and Principal Barclay (*d*) appear to admit that, in some cases, a woman is liable to be misled by the state of the law on this point; and the latter witness (*e*) states, from his own experience, as a moderator of a kirk session that, “in nine cases (of illegitimacy) out of ten, when the parties are examined, the woman declares that it was on the faith of marriage that she was deceived.”

Dr. Strahan (*f*) “believes it to be very common for women to allow themselves to be seduced in the hope of being married; and that the promises of marriage though kept in a considerable proportion of cases (generally by young men of respectable character, whose employment is not transitory), and, when kept, followed by *regular* marriage, are by no means generally fulfilled: “I think” (he says) (*g*) “perhaps there are two-thirds in which marriage does follow, and one-third in which it does not, so far as my experience goes.”

We cannot perceive that this is a better state of things, as far as the interests of women and of morality are concerned, than that which generally prevails in England; and, assuming it to be the fact (*h*), that legal proceedings, founded on seduction, bigamy, and conjugal infidelity, are comparatively less frequent in Scotland than in England, we are by no means satisfied that this is, in any degree, due to the law of irregular marriage. It is not, however, necessary to prosecute any exact inquiry into the comparative state of morals in the two countries; in both, doubtless, there are many and serious evils, not due to their marriage laws, and which no amendment of those laws will cure. But in Ireland, where the law of irregular marriage is unknown, the marriage tie is held in at least as much reverence as in any part of Great Britain; and most of the particular evils, described in the evidence from Scotland to which we have referred, are (to say the least) of much rarer occurrence in Ireland.

Upon the whole, both the theoretical and the practical arguments have failed to shake our conclusion, that the law of secret consensual marriage, and of marriage by promise *subsequente copulâ*, as it now exists in Scotland, ought not to continue.

SOLEMNIZATION OF MARRIAGE.

The Contract of Marriage should be passed before an authorized Minister of Religion or Civil Officer.

We recommend that the interchange or declaration of matrimonial consent necessary to constitute a legal marriage should for the future take place, in all parts of the United Kingdom, in the presence of a duly authorized official celebrant or witness; and that no other mode of constituting marriage should be recognised by law.

On the continent of Europe, wherever the Code Civil is in force, a complete separation is made, in marriage, between the civil contract and the religious ceremony; and a contract passed before a purely civil officer is in all cases required. We do not recommend the introduction of this system into the United Kingdom. That it might in some respects have advantages, we do not deny;

(*a*) App., p. 43.

(*b*) App., p. 129.

(*c*) App., p. 143, Questions 1055, 1056.

(*d*) App., p. 133, Question 926.

(*e*) App., p. 135, Question 986.

(*f*) App., p. 172.

(*g*) App., p. 173.

(*h*) App., pp. 118, 127.

deny; but it would be opposed to the habits and feelings of the great majority of the people of Great Britain and Ireland, of all religious persuasions, and it would be inconsistent with the principle (to which we attach great value) of strengthening and consecrating the civil tie, as far as possible, by the sanctions of religion.

The objects for which civil legislation ought to provide may be equally well attained when the contract is entered into with the forms of religious solemnisation, as when these forms are absent, provided the contract itself is in both cases properly guarded and authenticated. Nor is there in the abstract any reason why a purely civil officer should be a more trustworthy celebrant or witness of marriage for civil purposes, than a minister of religion, authorised for that purpose by law. Without imposing upon the clergy of any denomination either the name or the character of State functionaries, the State may obtain from them the same substantial guarantees as if they were its own functionaries, by conceding to them the privilege (which, for the best reasons they must always desire) of solemnizing marriages entitled to legal recognition, upon such conditions as for the general welfare it may be deemed necessary to impose. Such a system will have the manifest advantage of building throughout upon the foundations of the existing law, which in every part of the United Kingdom recognises as valid the celebration of marriage by duly authorised ministers of religion, without making that mode of celebration anywhere indispensable.

We therefore recommend that the official celebrant or witness of marriage should henceforth in all parts of the United Kingdom be either an authorised minister of religion, or an authorised civil officer.

What Ministers of Religion should be authorised to solemnize Marriage.

To permit all ministers of religion to solemnize marriage would be to abandon all security for its due authentication, and for the observance of any safeguards against sudden, clandestine, or unlawful marriages. This (as to episcopally ordained ministers) was the actual state of the law in England before the passing of Lord Hardwicke's Act, when a regular trade in clandestine marriages was carried on by degraded clergymen, generally men of infamous character, the inmates of prisons, and indifferent to all social and ecclesiastical restraints. In Ireland, at a still later period, it was thought necessary to restrain similar practices by sanguinary penal enactments.

We consider it, therefore, requisite that the authority to celebrate marriages should be limited to such ministers of religion as are in the active exercise of official duties in their several churches or denominations, and occupy positions which make them amenable to public responsibility, and to the censure and discipline of their own religious communities. But, within these limits, we think the power ought to be as general as possible. The positions occupied by the diocesan bishops and parochial and district clergy of the several Episcopal churches (Protestant and Roman Catholic, established and unestablished), by the parochial clergy of the Established Church of Scotland, and by the officiating ministers of all the different bodies and congregations of Nonconformists, are, upon the whole, adequate guarantees for the general observance of those precautions and the discharge of those duties upon which the State, in the matter of marriage, is entitled to insist. Such ministers, therefore, when duly certified and registered (or other ministers specially deputed by them, or officiating with their consent), may safely be entrusted with the solemnization of marriage. We need hardly add that the contract, if entered into by the parties, acting in good faith, in the presence of any person officiating *de facto* as a minister of the authorised class, ought to be held valid and binding in law, notwithstanding any defect in the orders, title, or authority of the person so officiating.

All churches and chapels (other than parish churches) of the United Church of England and Ireland, and of the Established Church of Scotland, and all
churches,

churches, chapels, and meeting houses of the Roman Catholic Church, and of all Protestant denominations, for the ministers of which it may be desired to obtain power to solemnise marriages, ought, in our opinion, to be certified by proper authority to the Registrar-General, and to be registered by him in accordance (substantially) with the provisions, on that subject, of the present laws of England and Ireland. The rules as to certifying for this purpose churches and places of worship ought everywhere to be the same, and they should (we think) be the following: Episcopal churches and chapels of congregations (whether of the United Church of England and Ireland, or not), organised under bishops, should be registered upon the certificates of their respective bishops. Presbyterian churches or chapels of congregations (whether of the Established Church of Scotland or not), organised under presbyteries, should be registered upon the certificates of their respective presbyteries, and all other Nonconformist places of worship (including those of Episcopalian congregations not under bishops, and of Presbyterian congregations not under presbyteries), should be registered upon the certificate (in each case) of the officiating minister for the time being, and not less than ten householders, members of the congregation who have frequented the place in question, as their ordinary place of worship, for the period of one year next before the date of the certificate. The present provisions of the laws of England and Ireland, as to a change of the place of worship of the same congregation, after registration, should also be retained and made general.

These rules, so far as they might vary from the existing laws of England and Ireland on the same subject, would have the effect of obviating certain minor inconveniences, which have been pointed out to us by the English Roman Catholic bishops, and by some Presbyterian witnesses from Ireland, as arising in their respective churches under particular local circumstances. The *minimum* number of certifying householders, in cases where the certificate of householders would still be necessary, is proposed to be taken from the Irish rather than the English law, upon the principle of giving the greatest degree of facility consistent with safety.

Times and Places of Solemnization.

We do not think it expedient to continue the requirement of solemnization within any certain hours, or at any particular church or other place, as in any case indispensable for the legal constitution of marriage. To do so would make it necessary either to establish different rules for different parts of the United Kingdom, or to do violence to the settled habits and customs of many of Your Majesty's subjects in Scotland and Ireland on a point as to which no mischief has been found to result from those habits and customs. In England the legal hours are uniformly from 8 to 12 a.m.; in the Established Church of Ireland they are the same, but any other Protestant marriages in Ireland may take place between 8 a.m. and 2 p.m., and Roman Catholic marriages are subject to no restriction of either place or time. Some instances have been brought under our notice of inconveniences which are said occasionally to arise from these requirements, and there appears to be no ground for believing that mischief of any kind has resulted from their absence in Scottish regular marriages, Roman Catholic marriages in Ireland, marriages of Quakers and Jews throughout the United Kingdom, or marriages by special licence in England and Ireland. We do not suggest that any clergyman of the Established or any other Church, solemnising marriage, should be relieved by law from such obligations as may be imposed upon him, with respect either to place or time, by the law and discipline of his own church, but only that these points should, for the future, be remitted to that law and discipline, and should be left open and free, so far as State legislation is concerned. In every case, if our recommendations should be adopted, the celebrant must be either the ordinary or the officiating minister of some parochial or other registered church, chapel or place of worship (or a minister specially deputed by him or officiating with his consent), and we think the State may well accept the official presence of such a minister as sufficient to authenticate the contract of marriage, although it may not be

entered into during canonical hours, or in the church or place of worship in which such minister usually officiates.

Official Witnesses of the Marriages of Quakers and Jews.

The registering officers of Quakers and the secretaries of Jewish synagogues, although not celebrating marriages as ministers of religion, fulfil, according to the usages of those persuasions, functions practically equivalent, and marriages solemnised in their presence should, of course, continue to be recognised by law throughout the United Kingdom.

It has not been suggested to us that any inconvenience results from the manner in which the registering officers of Quakers are at present certified to the Registrar-General, and we therefore see no reason for suggesting any change in that particular. But it has been strongly represented to us by Alderman Salomons (*a*) that the manner in which the secretaries of Jewish synagogues are now required by law to be certified is objectionable, as giving to the president of the London deputies of British Jews a virtual control over the liberty of marriage in all synagogues (other than those in connection with the West London Synagogue) which he may deem not to be properly constituted, according to his own views of orthodox Jewish doctrine or discipline. The circumstances which led to the exception, by a special Act of Parliament, of the West London Synagogue and other synagogues in connection with it, from this control, and the exceedingly anomalous character of that legislation, would alone be sufficient to satisfy us of the soundness of this opinion, and we think it will be proper (as Alderman Salomons suggests) (*b*) to give to all synagogues of persons professing the Jewish religion in the United Kingdom (whether separatists from other Jewish synagogues or not) the same means of obtaining State recognition for their secretaries (as official witnesses of marriage) which are given to other congregations of Non-conformists desirous of having their places of worship registered for the solemnization of marriage. We should, therefore, propose that the secretary of every registered Jewish synagogue should be entitled to act as registrar of marriages for that synagogue upon the certificate of the warden or wardens, or of ten householders, declaring before a justice of the peace that they have been regular worshippers in such synagogue for not less than one year next preceding.

Presence of Witnesses.

We think that it will be expedient to retain and make universal the rule now generally prevailing in England and Ireland, that the solemnization of marriage shall take place in the presence of, and be attested by, two witnesses.

Forms of Solemnization.

Whatever may be the ceremonies or usages of any church or sect, or of Quakers or Jews, appropriate to the due solemnization of marriage, we are of opinion that the State ought not in any case to take notice of or enforce compliance with such ceremonies or usages, as necessary to the validity of any marriage, in other respects duly solemnized. Marriage ought, in all such cases, to be held well constituted by words of mutual consent to be husband and wife (or of mutual declaration that they are husband and wife), solemnly interchanged between the parties, in the presence of any authorised celebrant or official witness. On the other hand, we do not propose that any deviation should be required by law from the internal regulations, usages, or discipline of any church or religious body, with respect to the solemnization of marriage, or with respect to the obligation of ministers to solemnize marriage on compliance with the legal requisites.

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Marriage before Civil Registrars.

The presence of a civil registrar is, in England, now required, on pain of nullity, at all marriages except those of the Established Church, and of Quakers and Jews; but it is not required either at regular marriages in Scotland or at any marriages whatever (except those solemnized in the registrar's offices) in Ireland. When the duty of registrars *quod hoc* is performed by the officiating ministers or other official witnesses of any religious denomination (as is the case in all marriages by the United Church of England and Ireland, and by Jews and Quakers, and in all marriages by Presbyterian and other Protestant Non-conformist ministers in Ireland), the further security of the attendance of the civil registrar does not seem to be important, still less to be a condition upon which it can be necessary to make the validity of a marriage depend. We are confirmed in this view, by considering how very insignificant a proportion the number of marriages, to which this requirement is now applicable, bears to the whole number celebrated every year in the United Kingdom; and by the fact that the Legislature, after some years' experience of a law requiring the presence of a civil registrar at all marriages by non-Presbyterian Protestant Non-conformists in Ireland, deliberately repealed it, and that no evil is shown to have resulted from that change. The English Roman Catholic bishops, after describing the incidence upon their own communion of certain difficulties, considered by them to arise out of this state of the English marriage law, have recommended (a), by anticipation, the course which we are prepared to advise; stating their opinion, that the most effectual remedy for most of these difficulties would be, "to constitute the Catholic clergy the legal witnesses of the marriages celebrated by them, as is the case with the clergy of the Established Church, with the secretaries of the Jewish synagogues, and with the clergy of the Catholic Church in Ireland." They add that the form of words required to be repeated before the registrar when he attends at their marriages is essentially the same as that which has already been uttered in the religious rite, and that "this repetition to the registrar of what has been already declared to the clergyman is apt to have a ludicrous effect, without any comprehensible reason for it."

We shall propose, in a later part of this Report, that similar duties with respect to registration to those now performed by the clergy of the United Church of England and Ireland, the officiating ministers at Presbyterian and other Protestant Nonconformist marriages in Ireland, and the official witnesses of the marriages of Quakers and Jews, should in all cases, and in all parts of the United Kingdom, be performed by the officiating minister or official witness of marriage, whoever he may be; and if this recommendation should be adopted, we think that the law should no longer insist upon the presence of a civil registrar at any marriage solemnized elsewhere than in his own office.

We are also of opinion that the option of contracting a valid marriage without any religious ceremony should continue to be offered, in all parts of the United Kingdom, to all those who may desire to avail themselves of it; and that, for this purpose, a law corresponding (in substance) with the present laws of England and Ireland on that subject, and enabling a formal and regular marriage to be contracted by the solemn interchange or declaration of matrimonial consent between or by the parties in the office and in the presence of a superintendent or district registrar, should be incorporated into and form part of the future marriage law of the United Kingdom. We use the expression "declaration," as well as "interchange" of matrimonial consent, because we think it is expedient to enable all persons in Scotland, who may hereafter enter into mutual engagements of that kind which, under the present Scotch law, might constitute irregular marriage, to acquire the complete status of legal marriage, not indeed with any retrospective effect (except that which the law of Scotland ascribes to all marriages in favour of children previously born), but by such a form of words, as to avoid giving occasion for unnecessary scruples; and also,
because

(a) App., p. 44.

because it is desirable that persons whom the law of Scotland might now hold to be actually, though irregularly, married, by reason of secret engagements entered into before the proposed change in the law, should have the means of placing their marriage beyond the reach of controversy, without using any form of words which might imply that it was previously invalid.*

Marriages in Ambassadors' Chapels.

Major Graham (a), the Registrar General for England, has suggested to us, that doubts have been entertained whether marriage may not now lawfully be celebrated in the chapel or house of a foreign ambassador accredited to Her Majesty, between a British subject and a subject of the foreign power represented by the ambassador, although, in such solemnization, the requisites of British law may not be observed.

It appears to us that a marriage so solemnized could not be recognised as legally binding upon the British subject for civil purposes in this country. If our recommendations should be adopted such a marriage would be legally binding, if solemnized by or in the presence of a minister of religion or official witness, duly authorised to solemnize marriages in the United Kingdom, but not otherwise. There could never be any difficulty in complying with these requisites, and we think it would be proper that the law should except from its operation marriages in the chapels or houses of foreign ambassadors, only when both parties are subjects of the foreign country.

Mixed Marriages.

We are of opinion that no marriage, of which the celebration is in other respects valid, ought to be annulled or declared void on any ground connected with the religious profession, persuasion, or belief of both or either of the parties thereto at or before the time of the marriage. We therefore recommend that the Irish Statutes forbidding the celebration of marriages by Roman Catholic priests when either party is a Protestant, or has professed Protestantism within twelve months previously, should be repealed.

We have anxiously considered the question, whether it is desirable, without nullifying a marriage when actually celebrated, to make its celebration in all or any cases unlawful and penal when solemnized by a clergyman of a religious persuasion to which both parties or one of them do or does not belong. There are, it seems to us, objections of the greatest weight to any legislation of this kind, in a code professing to be grounded on the principle of equality and impartiality, as between the members of different religious persuasions. The present marriage laws of England and Ireland wholly disregard that principle; which, on the other hand (except in respect of the monopoly of the publication of banns, still secured by law to the Established Church), is consistently maintained by the present marriage law of Scotland. The clergy of the United Church of England and Ireland may in both those countries lawfully marry any two persons of any religious persuasion whatever. A Roman Catholic clergyman may lawfully marry a Roman Catholic to a Protestant, or one Protestant to another, in England, but he cannot do so in Ireland; and, in Ireland, a Protestant Nonconformist minister may lawfully do what is prohibited to a Roman Catholic clergyman, viz., marry a Protestant to a Roman Catholic. In England, persons of any religion whatever may lawfully be married by any Nonconformist minister in any registered building, at their own option, without any inquiry whether either of them is or is not a member of the denomination to which the officiating minister belongs. Such a marriage would be, in every sense lawful, though both parties were avowedly Roman Catholics, or members of the Established Church, or even Jews; but marriages cannot lawfully be contracted in England or Ireland according to the usages of Jews, unless both parties

parties are Jews; nor of Quakers, unless both parties are members of, or "profess with," the Society of Friends. And in Ireland Presbyterian ministers cannot lawfully solemnize marriage except between parties one of whom is a Presbyterian (though this fact cannot be inquired into afterwards for the purpose of vitiating any marriage actually celebrated); and other Nonconformist ministers are forbidden to celebrate marriage, except between parties of whom one at least belongs to the particular denomination of the celebrant.

We think, in accordance with opinions expressed to us by Sir Joseph Napier and other witnesses (*a*) that, if the same legal obligations for the purpose of guarding against clandestine and illegal marriages are imposed (as we propose that they should be imposed) upon equal terms on all ministers of religion, of every church and persuasion, who are authorized to solemnize marriages, the law ought not any further to interfere with the free choice of the parties themselves as to the place or manner of their marriage, and certainly should not attempt to enforce by secular prohibitions the spiritual discipline of any particular religious bodies. It is legitimate, and may be useful, for the purpose of those precautions which it is expedient to take against clandestine and illegal marriages, to institute preliminary inquiries into the religious profession of the parties, and into the places of worship usually frequented by them, and also to guard by all suitable means against the facilities for clandestinity, which would be offered if parties could be suddenly married without check or impediment by ministers of other religious persuasions, or even by strange ministers of their own. But when this is done, the leading principles for the State to bear in view seem to us to be these:—that the subject with which civil legislation is immediately concerned is the civil contract and not the religious sanction; and that the office performed towards the State by the officiating minister is that of authenticating the civil contract; which, as it might in every case be competently entered into before a merely civil registrar, without any religious ceremony at all, ought to be regarded as not less competently entered into, whenever it is authenticated by any person who fulfils towards the State a function equivalent to that of the civil registrar, without reference to religious distinctions.

RECOMMENDATIONS.—REQUIREMENTS PRELIMINARY TO MARRIAGE.

We now come to the important and difficult subject of the preliminary requirements which the State should exact as securities against improvident, clandestine, and unlawful marriages.

Whatever these requirements ought to be, we think that no marriage, otherwise lawful, which has been actually solemnized in the presence of an authorized minister of religion or civil officer, should be annulled or declared void on the ground that any of such requirements have not been duly observed. Of all the conditions of lawful solemnization, now prescribed by law, none are more likely to be of practical value for the prevention of clandestinity, than those which relate to residence, to the consent of the parents or guardians of minors, and to the declarations required from parties about to be married. Yet if a minor is married in a parish or district where neither party has ever resided, without the necessary consent of parents or guardians, and upon a licence obtained by means of an affidavit in all respects false, the marriage is good, though the parties are liable to punishment. Assuming this to be sound legislation, it can hardly be right to annul a marriage actually solemnized by an authorized celebrant for any want of due publication of banns or licence; inasmuch as these requisites, so treated as indispensable, derive almost all the value which they possess from those which are treated as not indispensable. Upon the balance of conflicting considerations, we think it is better to regard all these preliminaries as directory, and none of them as essential to the validity of marriage

(*a*) App., pp. 107, 153, 161, 177, 184.

marriage; relying mainly upon the sense of duty and responsibility of the authorised ministers of religion and civil officers, who are charged with the obligation of seeing that these preliminary requirements are fulfilled; and, in a secondary degree, upon the penalties, to which those ministers of religion and public officers, and the parties themselves, may justly be exposed for any wilful breach or neglect of such requirements.

In corroboration of these views we may refer to the experience of regular marriages in Scotland, and of Roman Catholic marriages in Ireland, neither of which can be invalidated on any grounds of this nature; yet neither system is found to operate in this respect prejudicially to the interests of society. By adhering to this principle, the security of these two modes of marriage will remain unimpaired, and the like security will be extended to all other marriages which may be celebrated before authorised ministers of religion or civil officers throughout the United Kingdom.

Considered, therefore, as directory only, the question arises, what the preliminary requirements of a general marriage law for the United Kingdom ought to be? We purpose, first, to examine this question with respect to the substance of the requirements themselves; and, secondly, with respect to the persons who ought to be intrusted with the powers and duties necessary to secure their fulfilment.

Notice and Residence.

The period of residence to be required from each of the parties to be married in the parishes or districts where they respectively give notice of their intention to intermarry, before they can receive a certificate of compliance with the legal preliminaries ought, we think (ordinarily) to be 15 days after notice given, in cases where the party giving the notice is personally known to the minister or officer receiving it, and when both parties profess themselves to be of the same religious persuasion, and do not signify their wish to be married by a minister, or according to the usage, of any other persuasion. If these conditions are not all fulfilled, we think it should (ordinarily) be the duty of the minister or officer to withhold his certificate till after the expiration of 21 days from the date of the notice. At the end of the time limited, if all other legal requisites have been duly complied with, a certificate of compliance (which should, in all cases, state the date of the notice, and whether the party is personally known to the certifying minister or officer or not) should be given to each party; and it should not be lawful for any minister or civil officer to solemnize marriage without the production, by each party, of such certificate.

It has, however, been suggested to us by witnesses from different parts of the United Kingdom, that power ought to be given to some proper authority to dispense, in proper cases, with the ordinary length of notice and period of residence.

Such a power is exercised at present in cases of marriage by special licence, in the United Church of England and Ireland; it is also (much more extensively) used among the Irish Roman Catholics; and it is obvious that cases may frequently occur in all classes of the community, in which good reasons (though not always such as it would be desirable to state upon the face of a certificate) may exist for accelerating the time of marriage.

If such a power is intrusted, not to all those who are authorised to give the ordinary certificate, but only to a superior authority, when such an authority is provided by the organisation of the particular religious communion, and (in the absence of such a superior authority) to the superintendent or district Registrar, and if its exercise is strictly limited to cases in which both the parties to be married are certified to be of the same religious profession by the officiating ministers (or by the official witnesses, if they are Quakers or Jews) of the places of worship, or synagogues, which they usually attend, we think it may safely, and even advantageously, be granted. We therefore propose, that a power of this nature should be given to the bishops of all Episcopal Churches (established or unestablished) organised under bishops; and to such officers as may be nominated for

for that purpose by the presbyteries of all Presbyterian congregations organised under presbyteries ; and, in all other cases, to the superintendent or district Registrar.

Declarations to be required.

The form of declaration, which by the statutes now in force is required to accompany a notice of marriage given to a district registrar in Ireland, extends to more particulars than any of the other forms in use as preliminary to marriage in the United Kingdom, and as it appears to us that these particulars may reasonably be required, we think it is (so far) the best model for general adoption. By a declaration in this form the usual place of worship of the party, as well as the place where the marriage is intended to be solemnized, is shown. But, considering what are the main objects of these requirements, we think it might be proper (if not in all cases to require), at all events, to authorise the minister or officer receiving the notice to require, whenever he thinks fit, information upon the following points which are not included in any of the existing forms, viz.:—

- (a.) If either party is a widow or widower, when the former husband or wife died ?
- (b.) Whether either party is in any and what manner related to the other party, or to any former husband or wife of the other party ?
- (c.) When the residence of the party giving the notice in the parish or district where it is given first began, and, if within six months before the date of the notice, what was previously his (or her) usual place of residence ?
- (d.) If either party is a minor, alleging consent of a parent or guardian, what is the place of residence and address of such parent or guardian ?
- (e.) If both parties do not give notice to the same minister or officer, to whom, and at what place, the notice of the other party is given ?

We think, also, that some advantage would arise from the general adoption of a provision requiring the declaration of the party to be supported by the testimony of two other credible persons, or of any justice of the peace, or officiating minister of religion, or other credible person well known to the minister or officer who receives the notice.

The experience of regular marriage in Scotland seems to prove that this would not be, in practice, too burdensome a requirement, and the adoption of a very similar rule for Church marriages without banns in England has been advocated before us by the Bishop of Oxford (a), and has been recommended (in substance) by a Committee of the Lower House of Convocation for the Province of Canterbury (b).

Communication of Notices and Declarations.

All notices and declarations ought to be filed and preserved in proper notice books by the ministers or civil officers who receive them, and should be open to inspection upon any reasonable application for that purpose, as is now the case with respect to notices given to a superintendent or district Registrar in England and Ireland. We do not recommend any attempt to be made at any kind of general publication; we look upon the exhibition of notices, by hanging them up inside an office, as nugatory, and experience has shown that their exposure on church or chapel doors is rather offensive than useful. We are, at the same time, aware that a notice book of this sort gives no real publicity, and that the power of inspection is seldom likely to be used.

When

(a) App., p. 71.

(b) App., p. 169.

When both parties give notice in the same parish or district to a minister to whom they are personally known, and whose ministrations they are in the habit of attending, no further precaution is really necessary. When this is not the case, we think it may be of advantage to provide for the signature of the requisite notices and declarations (except when the notice is given to a civil Registrar) in duplicate, and for the transmission of one duplicate within three days to the Registrar of the district, whose duty it should be, in all such cases, to enter the duplicate notice in his own notice book (so that a search in the Registrar's notice book by parents or guardians apprehending clandestine marriages of their children or wards may always be sufficient), and also to send notice by post (whether the notice is given to himself or to a minister by whom a duplicate is sent to him) to the minister of the church, chapel, or place of worship described by the applicant as that which each of the parties usually attends (in the same way as is now provided by the Irish Marriage Acts with respect to notices given in Ireland to a district registrar), or, if there be none such, to the incumbent of the parish in which the party, not described as usually attending any place of worship, resides. It is to be observed that the principle of this suggestion is at present more or less perfectly embodied in the Irish marriage laws with respect to all kinds of Protestant marriages, except those solemnized by banns or special licence.

Banns.

Without proposing that the publication of banns should be prohibited or interfered with in the Established Churches when desired by the parties, or in other churches or religious denominations when required by their particular discipline or usage, we recommend that such publication should not henceforth in any case be required by law as a condition either of the lawfulness or of the regularity of marriage.

In rural parishes and districts, generally, every useful purpose which can be answered by the publication of banns in the Established Church may be equally answered by the mere fact of notice to the officiating minister; and the evidence which we have received from England abundantly proves that the dislike of this mode of publication tends to promote clandestinity, rather than to prevent it, by inducing many persons to resort for marriage to places where they are unknown. The same evidence also proves that it is practically useless and inconvenient in very populous places. In Scotland, being confined by law to the Established Church, and being performed three times over on a single Sunday just before the commencement of divine service, it can be of very little, if any, use, particularly in great cities and towns, and it is not unreasonably complained of by the Scottish Nonconformists, who are married by their own ministers, as being in their case vexatious as well as useless. In Ireland it is but little used, and we are satisfied that the time has now arrived when it may be abolished as a statutory requirement throughout the United Kingdom without any public disadvantage.

Consent of Parents and Guardians.

We think that the present law of England and Ireland, which makes it unlawful for any minister of religion or civil registrar to solemnize the marriage of any minor in opposition to the declared dissent of the father, if living, or of the mother or other lawful guardian (if any) when the father is dead (subject to an appeal by the minor in any case of unreasonable refusal to the Courts having jurisdiction over infants and their guardians), should be extended to all marriages throughout the United Kingdom, and that no notice of marriage should ordinarily be received from any minor, declared or known to be such, without a consent in writing, signed by the proper parent or guardian, if such there be. Provision, however, should be made for cases in which, through unavoidable circumstances, such consent cannot be obtained.

In

Caveats and Prohibitions.

In the event of any objection to the solemnization of a marriage, which (if true in fact) would render such solemnization illegal, being alleged by any person, either to the minister or civil officer receiving any notice, or to any minister or officer by or before whom the marriage is intended to be solemnized, it should be the duty of such minister or officer to decline to grant his certificate of compliance with the legal requisites, or to solemnize the marriage, unless the objection is met or removed to his satisfaction. But prompt and easily accessible means should be provided by law for trying the validity of such objections in all contested cases. At present they may be tried by the superintendent or district Registrar, with an appeal to the Registrar General (in England and Ireland) when the marriage is to take place upon a Registrar's certificate or licence, and by the licensing minister among Irish Presbyterians, with an appeal to the Presbytery. But no definite provision is now made for the trial of such objections in other cases.

Licences and Certificates.

The subject of licences and certificates will be most conveniently dealt with in connection with the question, who ought to be the persons intrusted with the powers and duties necessary to secure the due fulfilment of the directory provisions of the law.

To whom Notices of Marriage ought to be given.

We recommend that in all cases in which a marriage is intended to be solemnized within the parish church or district in which either party lives, the requisite notice of marriage, accompanied by the necessary declarations, should be given by both or one of the parties to the minister of religion or civil officer, by or before whom (or by whose deputy or substitute) the marriage is intended to be solemnized, being a minister or officer authorised by law to solemnize marriage within the parish, chapelry, or ecclesiastical district (if the marriage is to be according to the rites of the Established Church) or within the Registrar's district (if the marriage is not according to the rites of the Established Church), in which the party or parties giving the notice is or are then residing. Under the term, "civil officer," we here include the registering officers of Quakers and the secretaries of Jews. By means of this provision, the whole proceedings, from the notice to the solemnization, will take place before the same authority; and the solemnization will not take place upon the mere authority of the civil Registrar, except when the marriage is celebrated in his office. The certificate of the minister or civil officer receiving such notice should, for all purposes, be of the same force and effect throughout the United Kingdom as a legal authority for the solemnization of marriage by him, or by any other minister or officer whom he may specially depute for that purpose, or who may officiate with his consent, as a common licence now is for marriage by the Established Church, and a Registrar's certificate or licence for other marriages, in England.

When the parties to be married do not both reside in the same parish, chapelry, or district, or when the marriage is not intended to be solemnized within a parish, chapelry, or district in which either of them resides, we recommend, that the notice of each party not residing in the parish, &c., or district, where the marriage is to be solemnized, should generally be given to the Registrar of the district within which such party resides; and that a certificate of the compliance of such party with the legal requisites preliminary to marriage, under the hand of such Registrar, should be necessary and sufficient to authorise the marriage in the parish, chapelry, or district, where it is proposed to be solemnized, provided the other party has complied with all the provisions of the law. The alternative may, however, be allowed of giving this latter notice, when both parties are of the same religious persuasion, to an

authorised minister of that persuasion officiating at any place of worship, in the parish, chapelry, or district, which the party giving the notice usually attends (or elsewhere, within limits similar to those prescribed for the place of solemnization by 3 & 4 Vict. cap. 72); such minister (in that case) being authorised to grant the necessary certificate.

Time for which Certificate should be available.

The period after which a certificate granted under these regulations should cease to be available as an authority for the solemnization of marriage, ought (we think) to be that now fixed with respect to all banns, licences, and certificates by the law of England—viz., three months, to be computed from the date of the certificate.

Licences.

If these recommendations are adopted, the certificate will in all cases supersede the necessity for a licence, and we recommend that the practice of granting common licences in the United Church of England and Ireland, and Registrars' licences, and the powers of licensing ministers among the Presbyterians in Ireland, should cease.

Registration.

The present arrangements for the registration of marriages, in each part of the United Kingdom, seem to us to require only this alteration, that the minister or officer, who is the celebrant or official witness of marriage, should in all cases be charged with the duty of recording each marriage at the time of solemnization in proper duplicate registers, one of which should remain in the official custody of the person for the time being filling the same office, and should be delivered up, upon each vacancy in that office, to the next successor, and the other should be transmitted quarterly by such minister or officer (free of postage) through the District Registrar to the Registrar General. Proper books and forms for this purpose should, we think, be supplied at the public expense, by the Registrar General in each part of the United Kingdom, to every person authorised by law to celebrate, or to be the official witness of marriage; both the local and the general registers being admitted in all courts as *prima facie* legal evidence of marriage. The system which we thus recommend is for the most part already in force, except as to Scotch regular marriages, and Irish Roman Catholic marriages; and even as to the latter class of marriages, although the duty of making the proper return to the registry office is imposed upon the married parties (*i.e.*, upon the husband), and not upon the clergyman; we learn that it is now very often voluntarily discharged by the clergy.

Evidence.

We do not propose any alteration in the present law, so far as relates to the proof of marriage by secondary evidence (when properly admissible), in any part of the United Kingdom. In particular we propose to leave it hereafter, as now, competent to prove marriage in all parts of the United Kingdom, by evidence of cohabitation and reputation of marriage, when the facts of the particular case may justify the inference, from such cohabitation and reputation, that the parties have been married in the manner required by law.

Fees, Stamps, and Expenses.

It would, in our opinion, be highly desirable that the exaction of fees and compulsory payments of every kind for the solemnization of marriage, or for the fulfilment of any preliminary conditions of marriage prescribed by the State, should be wholly abolished; that no stamp duty should be imposed upon any certificate, notice, or other document required by law for the purpose
of

of marriage; and that postage should not be chargeable on any official documents passing through the post in compliance with the provisions of the law of marriage.

Any increase in the cost to the public of the system of general registry, arising out of the requirements of an improved marriage law, such as we recommend, would, in our opinion, be slight and inconsiderable when compared with the public benefit arising therefrom.

If, however, it is considered necessary still to charge fees for the solemnization, or for any of the other legal requisites or incidents of marriage (either on account of the difficulty of replacing the deficiency which their abolition might cause in the incomes of some of the parochial clergy, or for any other reason), we think that a uniform table of such fees, upon as moderate a scale as practicable, should be settled by law; and that such fees should not, in any case, be augmented by the imposition of stamp duties, such as those now imposed, in England, on common licences.

Penalties.

We think that it should hereafter be made misdemeanour, and not felony, for any minister of religion, civil officer, or other person wilfully to contravene the provisions of the marriage law; and that it is unnecessary to fix beforehand for such offences pecuniary penalties of any certain amount. All wilfully false and material statements, in any declaration required by or under the authority of the marriage law, should make the guilty parties liable to the penalties of perjury; and for this cause, as well as for marriage during minority, or with a minor, without the consent required by law, the proper court should have power to make and enforce settlements of property, so as to prevent the guilty party from benefiting by the marriage.

Repeal of Acts.

If these recommendations are adopted, we further recommend that the enactments necessary to give effect to them should be embodied in a single statute; and that all the existing statutes of the United Kingdom, and of Scotland and Ireland, upon the subject of marriage, should be repealed. Care should, of course, be taken not to revive, by such repeal, any canon, or other law on the subject of marriage, which has been expressly or virtually repealed by former legislation.

CONCLUDING REMARKS ON THE PRINCIPLES OF THE FOREGOING RECOMMENDATIONS.

We feel encouraged by the general spirit of much of the testimony with which we have been favoured, from persons whose opinions are entitled to the greatest weight, to believe that the foregoing recommendations will be found to approach more nearly than any other practicable scheme to a solution of the difficulties of this very important subject.

If we turn to Roman Catholic testimony, it will be found that we give no more than a reasonable development to the principle laid down by the English Roman Catholic prelates (*a*), that it is desirable “to constitute the Catholic clergy the legal witnesses of the marriages celebrated by them;” and to the declarations of Bishop Leahy (*b*), that the State “possesses an unquestionable right to require proof of the marriages of its subjects, and to take care that they are properly registered;” and of Bishop Moriarty (*c*), that “the State has a right to see that the marriage is registered.”

We derive equal encouragement from the views expressed by some of the most authoritative exponents of Protestant opinion in Ireland. The late Bishop of Derry (*d*) considered it “not only unobjectionable, but highly desirable, that

(*a*) App., p. 44.

(*b*) App., p. 2.

(*c*) App., p. 96

(*d*) App., p. 34.

that the ministers of religion should, as far as possible, be the persons empowered by the State for this purpose;" adding:—

"As, however, it seems desirable that the liberty of parties about to marry should not be needlessly interfered with, I should be inclined to extend this privilege to all ministers, of whatever denomination, who may be willing to comply with the requirements of the State, as to times, places, &c., of performance, and likewise as to registration. These requirements should be, in my opinion, as far as possible, *identical* as regards the various religious bodies."

Dr. Bryce (of the Irish United Presbyterians) also said (*a*), "I would allow a Roman Catholic clergyman to celebrate mixed marriages, just as I claim that I should be at liberty to do the same thing; but I would insist upon his being subject to the same rules with regard to time, place, notice, and registration that all Protestant clergymen of all denominations are subject to."

Sir Joseph Napier, Dr. Ball, and others spoke exactly in the same sense (*b*).

In England, so far as marriages by the clergy of the Established Church are concerned, the tendency of some of the most important suggestions which we have received has also been in the direction of changes which we recommend. The Bishop of Oxford (*c*) is favourable to making all the parochial clergy, in effect, surrogates; and the Committee of the Lower House of Convocation of the Province of Canterbury (*d*) propose to allow all persons who wish to avoid the publication of banns to be married upon the certificate of their own parochial clergyman after 21 days' notice, upon terms almost identical with those which we have advised.

In Scotland our recommendations are in harmony with the principles of all those who are attached to the present system of regular marriage, as practised in that country, and who would make the maintenance of that system, in its essential character, the condition of any interference with the law of irregular marriage.

It is true that by some other witnesses (among whom we may mention the late Bishop of Rochester (*e*), the Dean of Chichester (*f*), Mr. Porter (*g*), Dr. Stark (*h*), and the Registrar General for England (*i*), views less favourable to the employment of a clerical agency, for the fulfilment of what may be described as the civil conditions of marriage, have been expressed. But we are strongly impressed with the conviction that it is in the last degree important to interfere no further with the general sentiments and habits of the people, nor even (in any matter of substance) with the existing provisions of the law, than is absolutely necessary for the purpose of constructing a safe and consistent marriage code for the whole people of the United Kingdom; and, under the influence of this paramount consideration, we have deemed it right to forego some minor advantages, which might doubtless have been obtained by a nearer approach to the continental system. Should our recommendations, in their general substance, become law, the great object of uniformity will have been accomplished, the law will be simplified and consolidated; the highest practicable security for the facility, certainty, and safety of marriage will have been attained, without any infringement of religious liberty, or antagonism between the authority of the State and the influence of religion; and, at the same time, there will be no sensible interference with the previously accustomed course of regular marriage, as hitherto solemnized, in England, in Scotland, or in Ireland.

(*a*) App., p. 181.

(*d*) App., p. 169.

(*g*) App., p. 163.

(*b*) App., pp. 107, 188, 161.

(*e*) App., p. 14.

(*h*) App., p. 4.

(*c*) App., p. 70.

(*f*) App., p. 12.

(*i*) App., p. 41.

D.—MARRIAGES OF EUROPEAN BRITISH SUBJECTS IN INDIA.

Prior to 1818 no attempt had been made to regulate the marriages of European British subjects in India by statute, such marriages being held to be governed by the law of England as it existed antecedent to Lord Hardwicke's Act (26 Geo. 2, c. 33), but doubts having been raised in 1816 whether certain marriages which had been solemnized within the British territories in India by ordained ministers of the Church of Scotland, as by law established, were to all intents and purposes valid marriages, a declaratory statute was passed in that year (58 Geo. 3, c. 84) to quiet all doubts respecting such marriages, and it was thereby declared and enacted that all such marriages solemnized before 31st December 1818 should have the same force and effect as if solemnized by clergymen of the Church of England, according to the rights and ceremonies of that church. It was further declared and enacted that from and after 31st December 1818 all marriages between persons, both or one of whom shall have signed a declaration in writing that they, or he or she, as the case may be, hold communion with the Church of Scotland by law established, if solemnized by ordained ministers of that church appointed by the East India Company to officiate as chaplains within the said territories, shall have the same force and effect as if such marriages had been solemnized by clergymen of the Church of England, according to the rites and ceremonies of that church. The statute, however, did not proceed to declare any such marriages to be invalid if the preliminary declarations should have been omitted, and it left the law, in all cases where marriages should be solemnized otherwise than under its provisions, as it was before.

Numerous marriages, on the other hand, appear to have been contracted by European British subjects in India *per verba de presenti*, without the intervention of any minister in holy orders, inasmuch as for a century after the first establishment of the English in India there was no provision made for chaplains, and even then in the most modest proportions. The Indian courts have always sustained the validity of such marriages; and, notwithstanding the decision of the House of Lords in *The Queen v. Millis* in 1844, which declared the presence of a minister in holy orders to be essential to the validity of a marriage under the law of England, as it existed prior to Lord Hardwicke's Act, the Supreme Court of Bombay in 1849 held that a marriage celebrated between two members of the Church of England at Surat by an Independent missionary not in holy orders was a valid marriage, which entitled the husband to recover damages for criminal conversation with his wife (a).

The decision, however, of the House of Lords in *The Queen v. Millis* could not fail to cause uneasiness in regard to certain marriages contracted between European British subjects in India; and the Royal Commissioners appointed to inquire into the state and operation of the law of marriage, in their Second Report, presented to Her Majesty in 1850, recommended,—

1. That all marriages heretofore had within the territories under the government of the East India Company between any persons whatever, whether by a minister of the Scotch Church not being a chaplain, or by any minister of any other persuasion, or by any layman, where the only objection is that they have not been solemnized by a priest, shall be good and valid.

2. That the marriage law of India shall, *mutatis mutandis*, be made conformable to the law now existing in England.

Accordingly, in the year 1851 an Act for marriages in India (14 & 15 Vict. c. 40) was passed, under the provisions of which, where one or both of the parties intending to be married is or are a person or persons professing the Christian religion, their marriage may be solemnized in India, India being declared

(a) *Maclean v. Christall*, 21st September 1849, 7 Notes of Cases (App., p. XVII.).

declared to include all territories for the time being under the government of the East India Company, and all territories of any native Princes or States in alliance with the said Company. The provisions of this statute, as far as its enactments are concerned, are of an enabling character. It creates no statutory nullity. It declares that all marriages heretofore solemnized in India by persons not in holy orders, if not otherwise invalid, shall be deemed and held to be valid in law to all intents and purposes. It provides that nothing in the Act shall invalidate or affect any marriage which may be solemnized in India by persons in holy orders, or any marriages which may be solemnized under the provisions of 58 Geo. 3, c. 84, or any other marriages which, under the laws for the time being in force in India, might have been there solemnized in case the Act had not been passed, and it empowers the Governor General to make laws for the registration of all such marriages, with a view to the transmission of the evidence of such marriages, when desirable, to the Registrar General of birth, deaths, and marriages in England. On the other hand, the enactments of the Act, as regards the constitution of the contract of marriage, are confined to providing that marriage registrars shall be appointed for the purposes of the Act, and districts shall be assigned to such registrars, and that, after due notice has been given to the registrar of the district within which each party intending to be married dwells, and such registrar has issued a certificate or certificates of such notice having been given, a marriage may be solemnized, according to such form and ceremony as the parties intending to be married may see fit to adopt, in the presence of some marriage registrar, to whom the certificate or certificates shall be delivered, and of two or more witnesses; provided also, that in some part of the ceremony each of the parties shall declare that he or she, as the case may be, knows of no lawful impediment to their marriage, and each of the parties shall call upon the persons there present to witness that they take other respectively for lawful husband and wife, or to the like effect.

The Act then goes on to provide for the due registration of all such marriages, and for the periodical transmission by the marriage registrars of the certificates of such marriages, and of the register books themselves, when they have been filled, to the Secretary of the Indian Government.

Prior to the passing of the above Act a public register book of marriages had been kept in each of the Indian Presidencies, under the authority of the East India Company, and it was usual to transmit an authenticated copy of the entries in each register book from time to time to the Secretary of the East India Company in London, and such copy was by him deposited and kept amongst the archives of the Company. The entries of marriages in any of such copies, when produced by an officer of the Company, have always been admitted by the House of Lords and by the Courts at Westminster Hall in proof of the solemnization of such marriages. The provisions for the registration of marriages under 14 & 15 Vict. c. 40, have become applicable to marriages solemnized in India after 1st January 1852, and due regulations for this purpose have been made by Indian Acts in pursuance of the 20th and 21st sections of the Imperial Act.

The Imperial Act, so far as respects the authority to make appointments, laws, and regulations for carrying its provisions into effect, having come into force immediately after the passing of it, an Indian Act was forthwith passed by the Governor General of India in Council, intituled An Act for giving effect to the Provisions of an Act of Parliament passed in the 15th year of the reign of Her present Majesty, intituled An Act for Marriages in India. The object of this Indian Act (Act V. of 1852) was, more particularly, to give effect to the provisions of the Imperial statute as regarded the solemnization of marriages in the presence of a marriage registrar. Further legislation in India took place in 1860 and in 1864, but the law which governs at the present time the marriages of European British subjects in India is the Indian Marriage Act, 1865, which received the assent of the Governor General of India in Council on 23rd February 1865, and is intituled An Act to provide for the Solemnization of Marriages in India of Persons professing the Christian Religion.

According

According to its provisions marriage may be solemnized between European British subjects —

1. By any person who has received episcopal ordination, provided it be solemnized according to the rules, rites, ceremonies, and customs of the church of which he is a minister.
2. By any clergyman of the Church of Scotland, provided it be solemnized according to the rules, rites, ceremonies, and customs of the Church of Scotland.
3. By or in the presence of a marriage registrar under the provisions of the Statute 14 & 15 Vict. c. 40, or of Act V. of 1852 of the Governor-General of India in Council.
4. By any minister of religion who under the provisions of the Act has obtained a licence to solemnize marriages. It is further provided that the declaration and certificate required by 58 Geo. 3, c. 84, and Act XXIV. of 1860 (for the solemnization of marriages in India by ordained ministers of the Church of Scotland) shall be no longer required.

Two other important provisions of this Act deserve attention; one of them provides that all marriages solemnized in India before 1st May, 1865, by persons who have not received episcopal ordination, or who have not otherwise received express authority to solemnize such marriages under Acts of Parliament, or Acts of the Governor-General of India in Council, shall, if not otherwise invalid, be deemed valid to all intents and purposes. The other provides that from and after May 1, 1865, all marriages which may be solemnized in India between persons, both or one of whom shall profess the Christian religion, otherwise than in accordance with the provisions of the Act in regard to the persons by whom marriage may be solemnized, shall be null and void.

The terms of this last provision are certainly too absolute, inasmuch as the neglect or omission of any rule, rite, ceremony, or custom of the Church of which the celebrant is a minister, or of any provision of 14 & 15 Vict. c. 40, or of Act V. of 1852, in regard to marriage registrars, or any disqualification of the celebrant, of which the parties to the marriage may be unwitting, would render a marriage null and void between parties, who may have acted in perfect good faith as respects their intention to contract marriage according to the provisions of the law.

We may further observe that the Indian Act of 1865, in declaring all marriages solemnized in India otherwise than in accordance with its provisions, as above stated, to be null and void, is in evident conflict with the provisions of the Imperial Statute 4 Geo. 4, c. 91, under which it is enacted that all marriages solemnized within the British lines by any chaplain or officer, or other person officiating under the orders of the commanding officer of a British army serving abroad, shall be deemed and held to be as valid in law as if they had been solemnized within Her Majesty's dominions with a due observance of all forms required by law.^(a)

It is of the more importance that attention should be drawn to this inconvenient conflict of law, inasmuch as the Imperial Statute 28 & 29 Vict. c. 64, which provides that every law made by the legislature of any of Her Majesty's possessions for the purpose of establishing the validity of any marriage contracted in such possessions shall be effectual for such purpose within all parts of Her Majesty's dominions, whilst it thus gives effect throughout Her Majesty's dominions to the clauses of the Indian Act which render past marriages valid, does not give like effect to the clauses of that Bill which annul and

(a) It appears from the documents published by the Royal Commissioners on the Law of Marriage, in their report of 1850, above referred to, that it was the opinion of the Bishop of Calcutta (p. 14) and of the Advocate General at Fort George (p. 37), that the Act of 4 Geo. 4, c. 91, applied to a British army serving in India, which seems also to have been the view of the East India Company itself, in the case submitted in their behalf to counsel in 1850, in respect of marriages solemnized in India between British subjects by persons not in holy orders, and not within the provisions of 58 Geo. 3, c. 84, or 4 Geo. 4, c. 91 (p. 8).

and avoid future marriages, and although under the provisions of 3 & 4 Will. 4, c. 85, the Indian Act will have the same force and effect within and throughout the Indian territories as any Act of Parliament would and ought to have within those territories, it will not have the like force and effect within all parts of Her Majesty's dominions. It may thus happen that a marriage solemnized in India, within the lines of a British army, under the provisions of 4 Geo. 4, c. 91, although not valid according to the Indian Act, will be upheld in an Imperial or Colonial Court of Justice as being valid under an Imperial Statute, precisely as a marriage solemnized in a foreign country under the provisions of 13 & 14 Vict. c. lxxviii. will be upheld in an Imperial or Colonial Court, although not valid according to the *lex loci*.

There is no direct provision made by 14 & 15 Vict. c. 40, or by the Indian Act, No. 5 of 1865, as to what are to be regarded as lawful impediments to the solemnization of marriage. But the 28 & 29 Vict. c. 64, which will give effect to the Indian Act, for the purpose of establishing retrospectively the validity of an Indian marriage within all parts of Her Majesty's dominions, provides that nothing in that Statute contained shall give effect or validity to any marriage unless, at the time of such marriage, both of the parties thereto were, *according to the law of England*, competent to contract the same. The operation of this provision of the Imperial Statute may deserve consideration in its bearing upon the second marriage in India of an European British subject whose first marriage may have been dissolved by the sentence of a colonial court according to the provisions of a colonial law, such as that of the colony of South Australia, to which we shall refer more at length under the next following head of inquiry.

Due provision has been made by the Indian Act, No. 5 of 1865, for the registration of all marriages solemnized in accordance with its provisions, as well as for the transmission to the Secretary of State for India of the certificates of the marriages, of which the Governor General of India in Council may desire that evidence should be transmitted to England for the purpose of being delivered to the Registrar-General of births, deaths and marriages. We do not think it necessary to enter further into the details of this branch of the subject.

E.—MARRIAGE OF EUROPEAN BRITISH SUBJECTS IN THE COLONIES.

The most important Imperial Statute which bears upon the marriages of European British subjects in the colonies is 28 & 29 Vict. c. 64 (29 June 1865) under which every law made or to be made by the legislature of any of Her Majesty's possessions abroad for the purpose of establishing the validity of any marriage previously contracted in such possession shall have and be deemed to have had from the date of the making of such law, the same force and effect for the purpose aforesaid within all parts of Her Majesty's dominions, as such law may have had or may hereafter have within the possession for which the same was made: providing that nothing in this law contained shall give any effect or validity to any marriage, unless at the time of such marriage both of the parties thereto were, *according to the law of England*, competent to contract the same.

The passing of this Act was occasioned by the previous passing of various Acts by the legislature of divers of Her Majesty's possessions abroad, for the purpose of establishing the validity of certain marriages previously contracted therein. Thus the legislature of New South Wales in 1855 had passed an Act whereby every marriage (with certain exceptions) celebrated in that colony before the commencement of that Act by any minister of religion or person ordinarily officiating as such, was declared to be, notwithstanding any irregularity of form, a perfectly legal and valid marriage to all intents and purposes. Similar laws have been passed at various times by most of the Australian colonies, and it was in consequence of doubts having been suggested as to the provisions in such Colonial Acts for the confirmation of previous marriages

marriages being operative beyond the limits of each colony, that the Imperial Statute was passed, declaring explicitly that these retrospective enactments should have their intended effect throughout Her Majesty's dominions (a). But there is a provision in the Imperial Statute which may be operative in a manner not intended by the Imperial Legislature, in consequence of the provisions of the English Divorce and Matrimonial Causes Act having also been adopted *mutatis mutandis* by the local legislatures in divers of Her Majesty's possessions abroad. They have been adopted in South Australia in 1858, in Tasmania in 1860, in Victoria in 1865, in Queensland in 1866. The Colonial Acts have also followed the example of the Imperial Act in granting to the parties whose marriage has been dissolved, liberty to marry again. But doubts may be raised whether such colonial acts, not having been confirmed by any Imperial Statute, would be operative beyond the limits of each colony in which they may have been passed, yet the right of suing for dissolution of marriage in any of the colonial courts is not confined to parties domiciled in the colony, but a suit is permitted to be instituted by any husband and by any wife. Again, as the Divorce and Matrimonial Act of South Australia has been in operation since 1858, and a similar Act has been in force in Tasmania since 1860, parties who have been divorced in one or other of those colonies may have contracted a second marriage in another colony; for instance, in Queensland before the passing of the Marriage Act of the latter colony, on 12th September 1864, whereby every marriage celebrated in that colony before the commencement of that Act, by any minister of religion, or person ordinarily officiating as such (notwithstanding any irregularity of form) is declared to be valid to all intents and purposes. But the operation of the Imperial Statute, as regards the second marriage of a divorced party, will be to limit the effect of this retrospective provision of the Queensland Act to that colony, unless the party was competent *according to the law of England* to contract a marriage. Doubts also may be raised as to the validity of a second marriage contracted by parties whose first marriage may have been dissolved by the court of a colony within which they had not a real domicile (b).

The general rule of colonial legislation has been in accordance with the principle of 4 Geo. 4, c. 76, which declares marriages to be null and void on account of non-observance of the statutory provisions only in the case where both parties to a marriage have knowingly and wilfully violated them.

No provision has been made by any Imperial Statute for the registration of the marriages of European British subjects solemnized in the colonies, but this has been sufficiently provided for by local Acts. We think that it may be desirable to declare by an Imperial Statute that certified copies of entries in any colonial register book of marriages, kept under the provisions of any Colonial Act, shall be admissible in any Court of Justice or elsewhere, pursuant to the provisions of 14 & 15 Vict. c. 99, as to books of a public nature.

F.—MARRIAGES OF EUROPEAN BRITISH SUBJECTS IN FOREIGN COUNTRIES.

All marriages of British subjects contracted in foreign countries, according to the forms required by the *lex loci contractus* are recognised as valid marriages by the English Courts except in cases where the parties would not be competent, by the law of England, to contract a valid marriage. It may not, however, be always possible for a British subject in a foreign country to avail himself of the forms of *lex loci contractus*, by reason of a difference of religion as in Mohammedan or heathen countries, or by reason of a difference of confession, as in some Christian countries, where marriage can only be lawfully solemnized between parties who confess themselves to be members of the Established Church. Accordingly, in foreign countries, where either by express treaty or by

(a) Despatch of Her Majesty's Secretary of State for the Colonies of 26th July 1865 to Governor Sir C. H. Darling, K.C.B. Statutes of the colony of Victoria, Vol. 11, p. 428.

(b) Pitt v. Pitt, 3 Macqueen, p. 627.

by the comity of nations the privilege of extritoriality has been enjoyed by British subjects within any defined limits, such as the factory of a trading company or the hotel of an ambassador, the marriage of a British subject solemnized within such limits according to the law of England, as it existed antecedent to the passing of Lord Hardwicke's Act, has always been upheld by English courts as a valid marriage. Upon a similar principle the marriage of a British subject solemnized according to the same law within the lines of a British army serving abroad has been upheld as a valid marriage by English courts. But as a doubt might possibly be thrown upon the validity of the latter class of marriages, there having been an absence of judicial recognition of them before Lord Stowell's decision in 1821 in favour of a marriage solemnized by the chaplain of the English forces in occupation of the Cape of Good Hope between two British subjects in a private house (a) it was thought well to remove all doubts respecting any of the three classes of marriages above mentioned by passing a declaratory Statute in 1823, 4 Geo. 4, c. 91, under which it was declared and enacted that all marriages solemnized by a minister of the Church of England in the chapel or house of any British Ambassador or Minister residing within the country, to the Court of which he is accredited, or in the chapel belonging to any British factory abroad, or in the house of any British subject residing in such factory, and all marriages solemnized within the British lines by any chaplain or officer or other person officiating under the orders of the Commanding Officer of a British army serving abroad, shall be deemed and held to be as valid in law, as if they had been solemnized within Her Majesty's dominions with a due observance of all forms required by law.

A fourth class of marriages ought not to be overlooked, which is occasionally solemnized abroad between European British subjects, and which the framers of 4 Geo. 4, c. 91 omitted to notice, although it does not seem to be distinguishable in principle from a marriage solemnized within the lines of a British army serving abroad, namely a marriage solemnized on board a British vessel of war on any foreign station. There does not appear to have been any judicial recognition of the validity of such a marriage, although four or five at least of such marriages are annually solemnized. The framers, however, of the Consular Marriage Act took care to remove all doubts respecting any previous marriage solemnized on board of a British vessel of war by a minister of the Church of England or by a minister of the Church of Scotland, and respecting any previous marriage solemnized according to any religious rite or ceremony, or contracted *per verba de presenti* on board a British vessel of war on any foreign station in the presence of the officer commanding such vessel, but they made no provisions for future marriages. On the other hand, since the passing of the Consular Marriage Act in 1849, seventy or eighty of such marriages have been solemnized, the certificates of which are recorded in the registry of the diocese of London, and it would appear from these certificates that about one-fourth of the number of such marriages have been solemnized or contracted in the presence of the commanding officer of the vessel, and not in the presence of any minister of religion. We recommend that this class of marriages should be placed for the future by a declaratory Statute upon the same footing of undoubted validity, as marriages within the lines of a British army serving abroad.

There is a further class of marriages of which no certificate has ever been recorded in the registry of the diocese of London, but for proof of which provision has been made by the Merchant Shipping Act, 1854.

It is provided by Section 282 of that Act that every master of a merchant ship shall enter in the official log book of the vessel every marriage taking place on board his vessel, with the names and ages of the parties, whilst there is no statutory authority for the solemnization of any such marriage on board of a British merchant ship, nor has any statute ever been passed to give retrospective effect to any such marriage. In the case, however, of both the parties
being

(a) Ruding v. Smith, 2, Consistory Reports, p. 371.

being British subjects emigrating to a British colony, if their marriage has been solemnized on board a British merchant vessel by a priest in holy orders, its validity would probably be upheld in an English Court upon the analogy of legal decisions, that British emigrants carry with them the common law of England, until they become subject *ratione loci* to some other law.

The practice of maintaining British factories in foreign countries under the protection of British law may be said to have totally ceased in Europe, although the trading companies, to which the factories belonged, have in some cases continued to carry on their trade after the abolition of their ex-territorial privileges.

It has accordingly been found advisable in certain cases, where the chaplains of such companies (a), or chaplains appointed by the Bishop of London (b), have continued to solemnize marriages between British subjects in the chapels of such trading companies or in private houses before witnesses, to pass declaratory statutes to remove all doubts as to the validity of such marriages.

A general provision was made in 1849 for removing all doubts retrospectively as to the validity of any such marriages by 13 & 14 Vict. c. 68, s. 20.

This statute has dealt retrospectively with three classes of marriages respecting which doubts might be raised as not being within the scope of 4 Geo. 4, c. 91.

1. All marriages, both or one of the parties being subjects or a subject of this realm, which before the passing of this Act have been solemnized in any foreign country or place, or on board a British vessel of war on any foreign station, by a minister in holy orders according to the rites and ceremonies of the Church of England and Ireland, or by an ordained minister of the Church of Scotland.

2. All marriages between the like parties which have been solemnized according to any religious rites and ceremonies, or contracted *per verba de presenti* in any foreign country or place in the presence of any British Ambassador, Minister, Chargé d'Affaires, Consul General, Consul, or Vice-Consul, exercising his functions in the foreign country or place in which such marriages have been had, or on board a British vessel of war on a foreign station in the presence of the officer commanding such vessel.

3. All marriages between the like parties, which have been solemnized according to any religious rites or ceremonies, or contracted *per verba de presenti* in any foreign country or place, and registered by or under the authority of any British Consul General, Consul, or Vice-Consul, exercising his functions within such foreign country or place, the signatures of the parties being written in the register.

The main object, however, of this Act was to afford prospectively greater facilities for the marriages of Her Majesty's subjects resident abroad, and more especially, as it has been represented to us, to facilitate the marriages of British subjects, who, though they had not lost the character of British subjects, had by a long residence in a foreign country formed local connections, and desired to intermarry with natives and other than British subjects (c). For this purpose any British Consul General, Consul, Vice-Consul, or Consular Agent, specially authorised in writing under the hand of one of Her Majesty's Principal Secretaries of State, may allow to be solemnized in his presence according to the rites of the United Church of England and Ireland, or according to such other form and ceremony as the parties thereto may see fit to adopt, or may personally solemnize, if the parties so desire it, any marriage, one or both of the parties thereto being a subject or subjects of this realm, provided always that such marriages shall be solemnized at the British Consulate with open doors, between the hours of eight and twelve in the forenoon

(a) 4 Geo. 4, c. 67.

(b) 3 & 4 Will. 4, c. 45.

(c) App., p. 193.

forenoon, in the presence of two or more witnesses, and that, in the solemnization of any such marriage not solemnized according to the rites of the United Church of England and Ireland, in some part of the ceremony and in the presence of the Consul and the witnesses, each of the parties shall solemnly declare that they know not of any lawful impediment to their marriage, and shall call the parties present to witness that they take each other respectively to be lawful husband and wife. Due provision has been made for the registration of all such marriages in duplicate books according to the form required by 6 & 7 Will. 4, c. 86, and for the yearly transmission of copies of all entries in such books through one of Her Majesty's Principal Secretaries of State to the Registrar General in England.

The Act has been found to work remarkably well, but it has been represented to us that there are some particulars in which it might be improved. A great difficulty in the way of many persons arises from the regulation that both parties must have dwelt within the district of the Consul before whom the marriage is to be solemnized, not less than one calendar month before notice can be given of their intention to intermarry, and that no marriage can be solemnized until after the expiration of seven days if the marriage is to be by licence, and of 21 days if the marriage is to be by banns, after the notice has been given. It happens, however, not unfrequently that one of the parties intending to contract marriage is resident in England or in another consular district, and cannot afford to leave his occupation for so long a time (*a*), or that a young lady having previously made an engagement in England or elsewhere to be married to a party who has gone out to China or some other distant country before the marriage has been celebrated, goes out to be married, and is obliged to reside in the foreign country without any relative to protect her for five or seven weeks, as the case may be, before the marriage can be solemnized (*b*). It appears to us that this regulation causes great inconvenience to individuals without any corresponding advantage to the public, and that it would be sufficient if the party only, who gives the notice to the Consul, should be required to be resident in the consular district for a calendar month next preceding the giving of the notice. We recommend that the Act should be amended in this particular. If the other requirements of the Act are maintained, as regards the time which is to elapse, after notice has been given, before the marriage can be solemnized, and the declarations which are to be made by both parties, where the marriage is to be by licence, we think it will be unnecessary to require the party coming from a distance to have given any notice to the local authorities of the country where such party may have been previously resident. In the case of marriages intended to be solemnized by licence from the Superintendent Registrar in England and Wales, it has been thought sufficient by the Legislature that notice of such marriage should not be given to more than one Superintendent Registrar (*c*).

Another difficulty arises where one of the parties is a subject of the country wherein the marriage is to be solemnized, and the *lex loci* does not recognise as valid a contract of marriage made at the British Consulate (*d*). We think it would be desirable with a view to meet this difficulty that the parties should be enabled to have their marriage solemnized, if they so desire it, in any place of religious worship in which marriage may be solemnized according to the *lex loci*, and that the Consul should be empowered to be present at the solemnization of any marriage, where one of the parties is a British subject, at any such place of religious worship within his consular district without any restriction as to the legal hours, and to register the marriage; the entry in the Consular Registry Book being signed by the Consul and by both the parties married and by two witnesses present at the marriage. But we think that no marriage solemnized by the Consul himself ought to be rendered valid by British law (if invalid by the *lex loci*) except where both the married parties are British subjects. We recommend that the Act be further amended in this particular, and that a scale of fees to be paid to the Consul for his attendance

at

(a) App., p. 87.
(c) 19 & 20 Vict., c. 119.

(b) App., p. 190.
(d) App., p. 35.

at such marriages and the registration thereof be settled as the circumstances of each consulate may require, by one of Her Majesty's principal Secretaries of State.

We humbly submit this our report to Your Majesty's royal consideration.

CHELMSFORD.	(L.S.)	JAMES PLAISTED WILDE.	(L.S.)
*	(L.S.)	WILLIAM PAGE WOOD.	(L.S.)
LYVEDEN.	(L.S.)	ROUNDELL PALMER.	(L.S.)
SPENCER HORATIO	(L.S.)	CAIRNS, C.	(L.S.)
WALPOLE.	(L.S.)	G. YOUNG.	(L.S.)
WILLIAM MONSELL.	(L.S.)	TRAVERS TWISS.	(L.S.)
JOHN INGLIS.	(L.S.)	A. C. STIRLING MURRAY	(L.S.)
THOMAS O'HAGAN.	(L.S.)	DUNLOP.	

July 1868.

DISSENT AS TO DIVORCE.

BY THE RIGHT HON. W. MONSELL AND THE RIGHT HON.
MR. JUSTICE O'HAGAN.

IN appending our names to this report, we, the undersigned members of Your Majesty's Commission, are compelled to dissent from the recommendations contained in page xxvi, which affect the law of divorce and the jurisdiction of Divorce Courts, because we believe that the marriage tie is indissoluble, and that divorce *à vinculo* is contrary to the law of God.

WILLIAM MONSELL. (L.S.)
THOMAS O'HAGAN. (L.S.)

July 1868.

REASONS FOR SANCTIONING CONSENSUAL MARRIAGES IN SCOTLAND,—SUGGESTIONS FOR THE IMPROVEMENT OF THE SCOTCH MARRIAGE LAW—AND ARGUMENTS IN FAVOUR OF LEGITIMATION PER SUBSEQUENS MATRIMONIUM.

BY THE LORD JUSTICE GENERAL OF SCOTLAND.

I DISSENT from so much of the Report as involves a proposal to abrogate the essential principle of the marriage law of Scotland—that present consent to be husband and wife deliberately interchanged between a man and a woman, labouring under no incapacity to contract, makes marriage between them, without the necessity either of a religious ceremony or of a compliance with any statutory forms or solemnities.

The evils imputed to the Scottish system, in so far as it is based on this essential principle, appear to me to be greatly exaggerated, and to be much more than overbalanced by its beneficial influence and effect. In particular the existing law of Scotland ensures an absolute certainty that every regular marriage shall be unimpeachably valid. Present consent being all that is indispensable to constitute marriage, the evidence of that consent in the case of a regular marriage is, of course, complete, and nothing can obstruct its efficacy. The consequence is that hitherto persons regularly married *in facie ecclesie* in Scotland have been entirely exempted from those harassing doubts as to the validity of their marriages, which have always more or less frequently occurred in England, and which must be of possible occurrence in every system, however

* The Earl of Mayo did not think that he should be justified in signing the Report, his official duties having prevented him from attending the later meetings of the Commissioners.

well planned and matured, which makes forms and ceremonies essential to the validity of the contract.

The extreme rarity of irregular marriages in Scotland shows how greatly the evils supposed to be attendant on the Scottish system have been exaggerated. In the interests of society it appears to me of infinitely less importance, to save the very few persons who contract irregular marriages, from the consequences of their own conduct,—or to protect any one who by his culpable tampering with law and morality puts himself in the imaginary position of “not knowing whether he is married or single,”—than it is to ensure as matter of absolute certainty the validity of every regular marriage.

I am not insensible of the value of uniformity of the Marriage Law in all parts of the United Kingdom, provided that object could be attained at no more than an adequate cost. But there are some things more valuable than such uniformity. It is of paramount importance, that a law so closely interwoven with the social and domestic relations, and exercising so powerful an influence on the moral condition of a people as the Law of Marriage, should be not merely agreeable to the population at large, but should command their cordial sympathy and respect. Such is the Marriage Law of Scotland, in its leading principles, to the people of Scotland now. But such would not, in my opinion, be the law proposed to be introduced and extended to Scotland by this Report. There was ample evidence before the Commissioners, that the vast majority of the people of Scotland are opposed to such a change.

Improvements may be introduced into the Marriage Law of Scotland without interfering with its essential principle. I notice the following as examples merely :—

- 1st. Irregular marriages—already effectually condemned by public opinion, and of very rare occurrence—may be still further discouraged by the imposition of penalties, not so much on the contraction of such marriages, as on a failure to register them within a limited time. If these penalties were not illusory, and were enforced, I cannot doubt of their being effective, at least in every case where there is not some motive for continued concealment of such prevailing urgency and influence on both husband and wife, as must be of the rarest possible occurrence, and would not necessarily be either an immoral or an improper motive.
- 2nd. I would remove all temptation to the entrapping of a woman into a hasty irregular marriage, for the sake of securing to the husband the uncontrolled disposal of her fortune, by enacting, that in the case of irregular marriages the property of the wife should not absolutely pass to the husband, but that power should be given to the Court of Session to make for the parties such settlement of their property as they ought, if they had been well advised by friends on either side, to have made before marriage.
- 3rd. Besides discouraging irregular marriages, I would smooth the way to the celebration of marriage *in facie ecclesiæ* among all classes, including the poorest, by simplifying to the utmost attainable point the preliminary requisites of such a marriage, and in the same degree reducing the expense. I cannot concur in the recommendations of the Commissioners on this matter. I think the proposed requirements preliminary to marriage are unnecessarily burdensome, both as regards the forms and the time which would be required for their due observance.

But my chief objection to the proposed marriage law is one which I am aware is equally, or even in a greater degree, applicable to the existing marriage law of England. Neither the one nor the other shows sufficient favour for legitimacy. A system like that of the Code Napoleon may, with much less danger or permanent mischief, declare marriages, apparently regular, to be nevertheless

nevertheless void, in respect of non-compliance with statutory forms, because the offspring is not thereby necessarily bastardised. The parents by re-marriage can legitimise their children previously born. But the law of England has constantly resisted the adoption of legitimation *per subsequens matrimonium*, and has thus hopelessly and irremediably bastardised the issue of any marriage which, though apparently regular, is afterwards found to be void. In my opinion a marriage law which at once requires certain prescribed forms as essential to the validity of marriage, and rejects legitimation, *per subsequens matrimonium*, and every equivalent rule, is the marriage law most opposed in theory to enlightened social policy. It is found nowhere, so far as I know, but in England, and it is not likely to be voluntarily accepted in any other country.

In England it may be consonant to the wishes and feelings of the people, because it has prevailed for centuries and has struck its roots deep into the social system, and therefore one strong consideration, which I have already suggested, for refraining from interference with the essential principle of the law of Scotland, would in like manner withhold me from tampering with the principle of the English law, however erroneous I may conceive it to be. But I cannot help venturing, in the interest of the people of England, to say that overruling expediency,—which has dictated much legislation in all countries, for the purpose of cutting off objections of irregularity and all other technical objections, to existing rights, by a limitation of time,—and which has recently found expression, without legislation, in the arrangements of insurance companies for issuing life policies, which after a short time become absolutely indisputable, even on the ground of fraud,—ought to suggest some analogous provision for the quieting of men's minds and relieving their anxiety, respecting the validity of their marriages, the social status of their wives, and the legitimacy of their children.

It is not proposed in the present report to disturb the law of legitimation *per subsequens matrimonium*, in Scotland. But if one great end of Marriage Law reform is uniformity in the laws of the different parts of the United Kingdom, it will be very difficult (after a general statute, founded on the recommendations of this report, shall become law) to resist the progress and expansion of the favourite idea of uniformity, when it comes to be suggested by-and-by, that the small remnant of disconformity, still to be found in the Scottish legitimation *per subsequens matrimonium*, should in its turn be abolished.

If this anticipation be well founded, the ultimate result will be, to subject Scotland to what I cannot but hold to be the unnatural and pernicious rule of the English Marriage Law, merely because it is the law of England, though opposed alike to the sound philosophical principles and to the practical experience which have dictated the legislation of other European States.

Entertaining a settled conviction, founded on experience and a patient study of the subject, that the Marriage Law of Scotland is preferable in theory and principle to the Marriage Law of England, and that it has in practice been highly beneficial in its influence on the social condition and morality of the people, I cannot assent to a proposal to alter that law in any particular affecting its essential principle.

JOHN INGLIS. (L.S.)

July 1868.

SUGGESTIONS AS TO CERTIFICATES.

BY HER MAJESTY'S ADVOCATE GENERAL.

In adding my name to the above Report, I venture to suggest that the certificate of the minister of religion ought not to be introduced as a substitute for banns, without the safeguard which protects at present the certificate of the civil authority, namely, that the officer, under whose authority the certificate is to

be granted, should in all cases be a different person from the officer who is to solemnize the marriage. Without some such safeguard, I think that the privacy of the certificate will tend to revive some of the evils which Lord Hardwicke's Marriage Act has operated to restrain.

I am further of opinion that,—inasmuch as parties are to have a free choice as to the place of their marriage, there should be some public registry appointed in every diocese or district, to which the minister of religion, upon receiving notice of the intention of parties to intermarry, should be required to report such notice, and make application for a certificate, so that parents or guardians may have an opportunity, where a clandestine marriage is anticipated, of forbidding the grant of such certificate, in like manner as they are now empowered by law to do in regard to the issue of the Superintendent Registrar's certificate.

TRAVERS TWISS. (L.S.)

July 1868.

— II. —

GENERAL ACTS OR ACTS APPLICABLE TO ENGLAND.

THE Divorce Amendment Act, 1868, which applies to England only, provides ^{31 & 32 Vict. c. 77.} that either party dissatisfied with the final decision of the Divorce Court may, if the suit was defended or permission be given by the Court, appeal to the House of Lords within one calendar month.

Where there is no right of appeal the parties may marry again at any time after the pronouncing of the decree absolute.

This Act relates to the marriages of Quakers in England and Ireland. It ^{35 & 36 Vict. c. 10.} enables marriages to be solemnized according to the usages of Quakers in cases where one only, or neither, of the parties is a member of the Society of Friends upon production, before the Registrar, of a certificate purporting to be signed by some registering officer of the Society to the effect that the party on whose behalf notice of marriage is given, or each such party, is authorized thereto under some general rule or rules of the Society.

The Confirmation of Marriages on Her Majesty's Ships Act, 1879, confirmed ^{42 & 43 Vict. c. 29.} marriages of British subjects, solemnized before the passing of the Act, on board Her Majesty's vessels on foreign stations in the presence of the commanding officer, whether solemnized according to any religious rite or contracted *per verba de presenti*.

The Greek Marriages Act, 1884, enables the Probate and Matrimonial Division ^{47 & 48 Vict. c. 20.} of the High Court to declare valid certain marriages solemnized between members of the Greek Church between the years 1836 and 1857.

The Marriages Validity Act, 1886, declares that no marriage solemnized, or ^{49 & 50 Vict. c. 3.} to be hereafter solemnized, in any church in England, after publication of banns in such church, shall be, or be deemed to have been, invalid by reason only that one of the parties to such marriage was at the time of such publication resident in Scotland, and that banns may have been published or proclaimed in any church of the parish or place in which such party was resident, according to the law or custom prevailing in Scotland, and not in the manner required for the publication of banns in England.

The Marriage Act, 1886, which applies to England only, substitutes for the ^{49 & 50 Vict. c. 14.} hours 8 a.m. and 12 noon the hours 8 a.m. and 3 p.m. as those within which marriages may be solemnized.

The Stamp Act, 1891, gives the stamp duty on a special licence for ^{54 & 55 Vict. c. 39.} marriage in England or Ireland at 5*l.*, and for a licence not special in England at 1*l.*

The Foreign Marriage Act, 1892, consolidates the Acts relating to marriage ^{55 & 56 Vict. c. 23.} of British subjects *outside* the United Kingdom.

ACTS APPLICABLE TO SCOTLAND.

The Marriage Notice (Scotland) Act 1878, was designed to encourage the ^{41 & 42 Vict. c. 43.} celebration of regular marriages in Scotland by providing for their celebration after notice to registrars. The production of a registrar's certificate that notice of marriage had been duly published was made to rank in all respects as an equally valid preliminary to marriage as a proclamation of banns, and it was made illegal to celebrate a marriage with a religious ceremony without the production of a certificate of proclamation of banns or a registrar's certificate.

A SUMMARY OF THE ENACTMENTS RELATING TO MARRIAGE SINCE THE 1ST DAY OF JULY, 1868, AFFECTING IRELAND.

33 & 34 Vict. c. 110. "The Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870."

In consequence of the passing of the Irish Church Act it became necessary to provide for the marriage by the Clergy of the Church of Ireland after its Disestablishment. This was done by the 33 & 34 Vict. c. 110, which came into operation on 1st January 1871.

33 & 34 Vict. c. 110. This Statute enacted that marriages might continue to be solemnized by Banns, Licence, Special Licence, or Registrars's Certificate, subject to the provisions of the 7 & 8 Vict. c. 81, in all Churches and Chapels of the Church of Ireland, in which they might lawfully be solemnized at the time of the passing of this Act, and it permitted the licensing of new Churches by the Bishops, with the approval of the Lord Lieutenant. It further gave power to the Bishops to appoint Officers, for districts within their episcopal superintendence, to issue licences for marriage, subject to their giving security in a bond to the Registrar General, and it prescribed certain forms of Notice, Declaration, and Licence. The functions of these Officers, however, were limited to cases where both parties were Protestant Episcopalians. The marriage of parties, only one of whom was a Protestant Episcopalian, could be solemnized only on a certificate from the Registrar of Marriages. This Statute further repealed the provisions of the 19 George II., c. 13, which enacted that a marriage between a Roman Catholic, and any person who had been or professed himself or herself to be a Protestant at any time within twelve months before such celebration of Marriage, if celebrated by a Roman Catholic Priest, was to be void, and it gave the Registrar of Marriages power to issue a certificate, subject to certain conditions, for a mixed marriage by the Roman Catholic clergy. New machinery was also established for the issue of special licences. All the Bishops of the Church of Ireland received power to grant such special licences authorizing persons, both being Protestant Episcopalians, to marry at any convenient time at any place within their episcopal jurisdiction. Similar power to issue special licences to marry at any convenient time, at any place in Ireland, was conferred on the Moderator of the General Assembly of the Presbyterian Church in Ireland, and the heads of thirteen other religious bodies in Ireland, including the Clerk to the yearly meeting of the Society of Friends, it being provided that the parties were both to be members of the same church as the authority granting the special licence.

"The Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1871."

34 & 35 Vict. c. 49. Difficulties having arisen in the construction of the 33 & 34 Vict. c. 110, which, moreover, made no provision for the registration of marriages by special licence, an Amendment Act (34 & 35 Vict. 49) was passed in 1871. Under that enactment the parties, in cases of marriage by special licence, were required to forward a certificate of their marriage within three days after its solemnization to the Registrar General under a penalty of Ten Pounds. The powers of the licensers of the Church of Ireland were extended so as to enable them to issue licences in cases where only one party was a Protestant Episcopalian, and the bishops of the Roman Catholic Church were authorised to nominate persons to issue licences for marriage in cases where both or one only of the parties was a Roman Catholic, in the latter case prescribing certain conditions as to notice, &c. The Act 7 & 8 Vict. 81, was also amended in regard to marriages according to the usages of Jews, the general requirement that the building in which the marriage was to be solemnized was to be in the district in which one of the parties dwelt, being in such cases dispensed with. Power was further given to all persons nominated to issue licences for marriage in Ireland, in case of sickness or unavoidable absence, to appoint, with the approval of the authority by which they were appointed, deputies to act for them for a period not exceeding two calendar months.

An Act to extend the provisions of the Acts relating to marriages in England and Ireland so far as they relate to marriages according to the usages of the Society of Friends. 35 Vict. c. 10.

In the year 1872 a Statute, 35 Vict. c. 10, was passed, further regulating the law with respect to marriages according to the usages of the Society of Friends.

The Act of 1872 removed the condition that the party or parties not in membership should profess with or be of the persuasion of the Society, and substituted therefore the requirement that the party serving notice was to declare, either verbally or in writing (if required) that both parties were either members of the Society of Friends, or in profession with, or of the persuasion thereof, otherwise a certificate was to be produced to the Registrar, purporting to be signed by some registering officer of the Society, to the effect that the party or parties was or were authorised to be married under some general rule or rules of the Society.

“The Marriage Law (Ireland) Amendment Act, 1873.”

Doubts having been entertained whether the provisions of the 26 Vict. c. 27, relating to the registration of places of public worship and the solemnization of marriages therein, extended to places of public worship used by any church or religious community who are not Roman Catholics, and who do not describe themselves as Protestants, the Act 36 Vict. c. 16, was passed (15th May 1873), to remove such doubts and make provision for marriages between members of such religious community. 36 Vict. c. 16.

“The Registration of Births, Deaths, and Marriages (Army) Act, 1879.”

This Act, passed in 1879, provided for the registration of births, deaths, and marriages occurring out of the United Kingdom amongst officers and soldiers of Her Majesty's forces and their families. 42 Vict. c. 8.

“The Confirmation of Marriages on Her Majesty's Ships Act, 1879.”

This Act, passed in 1879, confirmed marriages of British subjects solemnized before the passing of the Act on board Her Majesty's vessels on foreign stations in the presence of the commanding officer, whether solemnized according to any religious rite or contracted *per verba de presenti*. 42 & 43 Vict. c. 29.

“The Guardianship of Infants Act, 1886.”

This Act, passed in 1886, modified the requirements as to the persons authorised to give consent in the case of the marriage of minors. (This Statute applies to the United Kingdom.) 49 & 50 Vict. c. 27.

“The Stamp Act, 1891.”

This Act, passed in 1891, provides for the stamp duty of 5*l.* on special licences of marriage. 54 & 55 Vict. c. 39.

“The Foreign Marriage Act, 1892.”

This Act, passed in 1892, regulates marriages abroad of British subjects before British Ambassadors, Consuls, &c., and in the Order in Council issued pursuant to the Statute certain steps are required to be taken with regard to notice in this country. 55 & 56 Vict. c. 23.

RETURN giving (1) a COPY of the REPORT dated July 1868, of the ROYAL COMMISSION on the LAWS of MARRIAGE; and (2) a SUMMARY of the ENACTMENTS relating to MARRIAGE which have been passed since the 1st day of July 1868.

(Mr. George Russell.)

Ordered, by The House of Commons, to be Printed.
23 April 1869.

[Price 6½ d.]

322.

Under 7 oz.

MARRIAGE LAW. (FOREIGN COUNTRIES AND COLONIES).

DIVORCE LAW (FOREIGN COUNTRIES AND COLONIES).

RETURN (in part) to Two Addresses of the Honourable The House of Commons,
dated 7 September 1893;—*for*,

“RETURN giving an Outline of the Marriage Laws prevailing in the most important Foreign Countries and Colonies; especially the Ages at which Marriage can be contracted, the Laws of Prohibition, the Hours in which the Ceremony can be performed, and the Fees charged;”

and

“RETURN showing the state of the Law on Divorce in the most important Foreign Countries and Colonies; especially the grounds on which Divorce can be obtained, and the Cost.”

PART I.—COLONIES (EXCEPT CANADA).

Colonial Office, }
4 June 1894. }

SYDNEY BUXTON.

(*Mr. Henniker Heaton.*)

Ordered, by The House of Commons, to be Printed,
5 June 1894.

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RETURN giving an Outline of the Marriage Laws prevailing in the most important Foreign Countries and Colonies ; especially the Ages at which Marriage can be contracted, the Laws of Prohibition, the Hours in which the Ceremony can be performed, and the Fees charged ; and

RETURN showing the state of the Law on Divorce in the most important Foreign Countries and Colonies ; especially the grounds on which Divorce can be obtained, and the Cost.

PART I.—COLONIES (EXCEPT CANADA).

— No. 1. —

The Marquess of *Ripon* to the Governors of Colonies under Responsible Government.

(Circular.)

Sir,

Downing Street, 16 September 1893.

I HAVE the honour to inform you that Addresses have been presented by the House of Commons to Her Majesty, on the motion of Mr. Henniker Heaton, for a "Return giving an Outline of the Marriage Laws prevailing in the most important Foreign Countries and Colonies ; especially the Ages at which Marriage can be contracted, the Laws of Prohibition, the Hours in which the Ceremony can be performed, and the Fees charged ;" and also for a "Return showing the state of the Law on Divorce in the most important Foreign Countries and Colonies ; especially the grounds on which Divorce can be obtained, and the Cost ;" and I have to request that you will move your Ministers to furnish me, at their earliest convenience, with Memoranda giving the information desired in these Returns, so far as it relates to the Colony under your Government.

I have, &c.
(signed) *Ripon*.

NEWFOUNDLAND.

— No. 2. —

Sir *Terence O'Brien* to the Marquess of *Ripon*.

(Received 1st November 1893.)

NEWFOUNDLAND

My Lord Marquess,

Government House, St. John's,
15 October 1893.

WITH reference to your Lordship's Circular Despatch of the 16th ultimo, I have the honour to enclose herewith copies of the laws relating to marriage in this Colony.

I have, &c.
(signed) *T. O'Brien*, Lieutenant-Colonel,
Governor.

CONSOLIDATED STATUTES.

Chapter 105.—Of Marriage.

SECTION

1. By whom to be solemnized.
2. Two creditable witnesses to be present.
3. Where parties are under age, banns to be published, or consent of parents obtained.
4. All marriages to be registered.
5. Register to be proof of the due celebration of marriage.
6. Persons defacing or destroying register, guilty of felony.

SECTION

7. Magistrates and other laymen, when duly licensed, authorized to celebrate marriages.
8. Persons celebrating marriages where there is no church or chapel, to transmit a certificate thereof to the Colonial Secretary within twelve months.
9. Register to be evidence of marriage.
10. Penalties may be sued for in any Court of Record. Their appropriation.

By whom to be solemnized.

1. All marriages which may hereafter be solemnized in this Colony and Dependencies shall be solemnized by persons in holy orders, or by some resident Minister publicly recognized as the pastor and teacher of any congregation having a church or chapel, or by persons employed to discharge the duties of teachers or preachers of religion, such teachers or preachers being duly licensed to celebrate marriage by the Governor, except in the cases hereinafter especially excepted and provided for; and any person who shall assume to officiate in the performance of marriage unless authorized under the provisions of this chapter, shall forfeit 200 dollars.

Two creditable witnesses to be present.

2. No person in holy orders, nor any such preacher or teacher of religion as aforesaid, nor any other person authorized to celebrate marriage by this chapter, shall celebrate or perform marriage between any persons in this Colony or Dependencies except in the presence of two creditable witnesses; and if any such person in holy orders, or teacher or preacher of religion as aforesaid, or any other person authorized to celebrate marriage by this chapter, shall hereafter celebrate or perform any marriage except in the presence of two creditable witnesses, he shall be liable to the payment of a fine of 200 dollars; but the want of such witnesses shall not invalidate the marriage.

Where parties are under age, banns to be published, or consent of parents obtained.

3. If any person authorized or licensed to perform or celebrate marriage in this Colony and Dependencies shall so perform or celebrate any marriage between any two persons, either of whom shall be under age, without having first duly published the banns thereof on three successive Sundays, in some church or chapel, or, where there is no church or chapel, then without causing notice of such intended marriage to be placarded in some conspicuous place of public resort for the space of three weeks immediately preceding the day appointed for the celebration of such proposed marriage, or without having first obtained the consent of the parents or guardians of such person under age, he shall be guilty of a misdemeanor, and shall, on conviction thereof before the Supreme Court of this Island, pay such penalty as the said Court shall award, not exceeding the sum of 200 dollars.

All marriages to be registered.

4. Every person in Holy Orders, resident minister, and every teacher or preacher of religion as aforesaid, by whom any marriage shall be performed or celebrated in this Colony or Dependencies, shall, under the penalty of 20 dollars, immediately after the performance or celebration of any such marriage, enter in a register or book, to be kept for that purpose in the church or chapel in which he performs divine service, a certificate or record of such marriage, subscribed with his own name, and containing the names and signatures or marks of the parties married, the day and year when, and the place where, the marriage was performed, and the names and signatures of two credible witnesses present at such marriage; and such register or book shall be kept and remain at such church or chapel, and shall be open to the inspection of any person requiring to consult or examine the same at all convenient hours; and every person in holy orders, resident minister, and teacher or preacher of religion licensed as aforesaid, shall make and deliver to any and every person who shall demand the same a copy, attested by him, of any entry or record contained or made in the said book or register of marriage, on pay-

ment

ment to him by the person who shall require such attested copy of a fee of 50 cents. NEWFOUNDLAND.

5. Any such book or register of marriage, or such attested copy, as aforesaid, of any entry or record made in any such book or register of marriages, the handwriting of the attesting minister being duly proved, shall for all purposes be received as sufficient evidence of the due celebration of any marriage in this Colony and Dependencies, which by such book or register or by such attested copy shall appear or purport to have been celebrated; and every such marriage shall, upon the production of every such book or register, or of such attested copy and proof as aforesaid, be deemed to have been duly performed and celebrated. Register to be proof of the due celebration of marriage.

6. If any person shall wilfully deface or destroy, or procure to be defaced or destroyed, any book or register of any marriage, or of any part thereof as aforesaid, with intent to avoid, cancel, or annul such marriage, such offender shall be guilty of felony. Persons defacing or destroying register guilty of felony.

7. When the residence of any woman about to be married shall be distant 10 miles from the residence of the nearest clergyman or teacher or preacher of religion licensed as aforesaid, any magistrate, being first licensed for such purpose by the Governor, may celebrate such marriage; and if there be no such teacher or preacher of religion, nor any magistrate licensed as aforesaid, residing within 15 miles of the woman about to be married, in such case any layman or person, duly licensed for such purpose by the Governor, may celebrate marriage between any persons resident in such place. Magistrates and other laymen when duly licensed, authorized to celebrate marriages.

8. Every teacher and preacher so licensed, who shall not have a church or chapel in which he performs divine service, and every magistrate or other layman so celebrating any marriage as aforesaid, shall, within 12 months from the time of the celebration of any such marriage, cause a certificate thereof to be registered in the office of the Colonial Secretary under a penalty of 20 dollars: and whenever such certificate of marriage shall be produced and delivered to the Colonial Secretary, duly proved, he shall, within seven days next after the receipt of such certificate, and upon payment or tender to him of 20 cents, enter or cause to be entered a true copy thereof in a public book or register of marriages, to be by him kept for that purpose; and such public book or register shall be kept and remain at the office of such Secretary, and shall be open to the inspection of any person requiring to consult the same, at the usual office hours; and the said Secretary shall make and deliver to any person who shall demand the same, upon payment or tender to him of 50 cents, a true copy of any entry made in the said public book or register of marriages, attested by him in form following, that is to say:

A true copy, extracted from the public register of marriages.

C. D. Secretary.

9. Any such public book or register of marriage in this Colony and Dependencies, or such attested copy as aforesaid of any entry in any such public book or register of marriages, the handwriting of the said Secretary being duly proved, shall for all purposes be received as sufficient evidence of the due celebration of any marriage in this Colony or Dependencies, which by such book or register, or by such attested copy, shall appear or purport to have been celebrated; and every such marriage shall, upon production of such book or register, or of such attested copy and proof as aforesaid, be deemed to have been duly performed and celebrated. Register to be evidence of marriage

10. All fines, forfeitures and penalties imposed by this chapter may be sued for and recovered in the Supreme Court, and one moiety thereof shall be paid to the person who shall inform and sue for the same, and the remaining moiety thereof shall be paid to the Receiver General for the use of the Colony. In default of payment the offender may be imprisoned for any period not exceeding six months. Penalties may be sued for in any Court of Record. Their appropriation.

ANNO QUINQUAGESIMO TERTIO VICTORIÆ REGINÆ.

Chapter XXI.—An Act to provide for the Registration of Births, Marriages and Deaths.—[Passed 11 June 1890.]

SECTION

1. Repeal.
2. All births, marriages and deaths shall be registered.
3. There shall be a Registrar General in St. John's.
4. Notice of all births, marriages and deaths in St. John's shall be given to the Registrar General.
5. Every Clergyman shall keep a register.
6. Notice to be given to Magistrate, Justice of the Peace, or Registering Officer.
7. Limits of jurisdiction.
8. Quarterly returns to the Registrar General.
9. Registrar General shall file all registers and report to the Legislature.
10. Information of births.
11. Certificate and fee.
12. Illegitimate children.

SECTION

13. Information of marriages.
14. Information of deaths.
15. Certificate and fees.
16. Officials in charge of public institutions shall report births, marriages and deaths.
17. Notice shall be given in certain cases.
18. Compensation.
19. Penalty for false statement.
20. Penalty for publication in a newspaper of a false statement.
21. Penalty on editor or proprietor of a newspaper.
22. Recovery of fees.
23. Reference to registers, and fee therefor.
24. Certificates.
25. Time of operation of Act.
26. Name of Act.

Preamble.

Whereas it is expedient to provide for the public registration of all births, marriages and deaths within this Colony.

Enacting clause.

Be it enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows :

Repeal.

1. Chapter 106, of the Consolidated Statutes, entitled "Of the Registry of Births, Marriages and Deaths," is hereby repealed.

All births, marriages and deaths shall be registered.

2. All births, marriages and deaths that take place within this Colony shall be registered in a public registry to be kept in the town of St. John's, and information as to such births, marriages and deaths shall be furnished and obtained as hereinafter provided, and such registry shall be kept in a place of safety, to be approved of by the Governor in Council.

There shall be a Registrar General in St. John's.

3. There shall be a chief officer appointed to carry out the provisions of this Act, to be called the Registrar General, who shall have charge of the public registry in St. John's.

Notice of all births, marriages and deaths in St. John's shall be given to the Registrar General.

4. Notice of all births, marriages and deaths that take place within the municipal district of St. John's, shall be given to the Registrar General at the registry office in St. John's.

Every clergyman shall keep a register.

5. Every clergyman and other person baptising, or celebrating marriage, or performing funeral services in this Colony, shall keep a true and accurate register of all persons whom he has baptised, married or buried; such register of baptism to state the day of the birth of the person baptised, and he shall transmit, quarterly, a correct copy of the same to the Registrar General.

Notice to be given to magistrate, justice of the peace, or registering officer.

6. Notice of all births, marriages and deaths that take place in parts of this Colony other than within the municipal district of St. John's, shall be given to the resident stipendiary magistrate, or if there be no stipendiary magistrate to the resident justice of the peace, or if there be no justice of the peace to such other person as the Governor in Council may appoint, who shall be called "registering officers" under this Act.

Limits of jurisdiction.

7. The Governor in Council may, by order, cause the limits to be defined of all or of some only of the Registrar's jurisdiction under this chapter, and, as occasion may require, alter the same; such order shall be published in the "Royal Gazette."

Quarterly returns to the Registrar General.

8. The registering officers under this Act shall forward, quarterly, to the Registrar General, a true copy of the registers kept by them of all births, marriages and deaths of which they have received notice as aforesaid, from the
date

date when this Act shall come into operation, or from the date of their last report to the Registrar General, as the case may be; such report shall be accompanied with a remittance of one-half of all fees for certificates and fines imposed under this Act collected by them, and such reports shall specify such other information respecting the births, marriages and deaths aforesaid, as is required by this Act.

NEWFOUNDLAND.

9. The Registrar General shall collect and keep a full and correct alphabetical registry of all births, marriages and deaths that take place within the Colony; shall file and keep copies of the registers received by him, and shall furnish to the Legislature an annual report of all matters and things relating to the affairs of his office, together with an account of the fees and fines collected under this Act.

Registrar General shall file all registers and report to the Legislature.

Births.

10. When any birth takes place in this Colony information of the same shall be furnished within 14 days thereafter to the proper officer appointed under this Act to receive the same, under a fine not exceeding 10 dollars for every neglect to do so. The obligation to furnish this information shall rest, in the first instance, upon the father of the child; or, in case of his death or absence, upon the mother; or, in case of the inability of both parents, then successively upon any person standing in their place, the nurse in attendance, or the occupier of the house within which the birth occurs.

Information of births.

11. Either of the parents, or the guardian, or other person who may have procured the registry of the birth of a child, shall be entitled to receive from the registering officer a certificate of such registry upon payment of a fee of 50 cents.

Certificate and fee.

Illegitimate Children.

12. In the case of the birth of an illegitimate child, it shall not be lawful to register any person as the father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father, but such birth shall be registered in accordance with the provisions of Section 10, so far as the same shall apply.

Illegitimate children.

Marriages.

13. When any marriage takes place in this Colony, information of the same shall be furnished within 10 days thereafter to a registering officer under this Act, under a penalty not exceeding 50 dollars for every neglect to do so. The obligation to furnish this information shall rest jointly and severally upon the husband and wife.

Information of marriages.

Deaths.

14. When any death takes place in this Colony, information of the same shall be furnished or posted within 10 days thereafter to the proper officer appointed under this Act to receive the same, in the form in Schedule A., under a fine not exceeding 10 dollars for every neglect to do so. The obligation to furnish this information shall rest, in the first instance, on the medical attendant, secondly, on the undertaker, and, failing these, on the next-of-kin to the deceased person.

Information of deaths.

15. On receiving information of such death, the registering officer under this Act may fill up and cause to be signed by the medical attendant or undertaker, or, failing these, by some other credible person, who witnessed the death, or identified the body after death; a written statement setting forth the date and place of death, the name, age, and sex of the deceased, and the cause of death, as nearly as can be ascertained, and shall if requested, issue to the person entitled to receive the same a certificate setting forth the facts thus subscribed to, as furnished to him, for which certificate a fee of 50 cents shall be charged.

Certificate and fee.

16. Officials in charge of hospitals, poor asylums, orphanages, goals, and other such public institutions shall send notice of any birth, marriage or death that occurs within the institutions under their charge within 10 days thereafter, and in default of doing so, such official shall be liable to a penalty of 50 dollars in each case.

Officials in charge of public institutions shall report births, marriages and deaths.

NEWFOUNDLAND.

Notice shall be given in certain cases.

Compensation.

Penalty for false statement.

Penalty for publication in a newspaper of a false statement.

Penalty on editor or proprietor of a newspaper.

Recovery of fees.

Reference to registers, and fees therefor.

Certificates.

Time of operation of Act.

Name of Act.

17. The Registrar General or other registering officer shall use every available means to obtain a full and accurate account of all births, marriages and deaths that take place in the Colony, and shall furnish a notice in the form of Schedule B. in all cases where he has reason to believe that the necessary information has not been supplied to him.

18. All persons named in the fifth Section of this Act, who shall forward to the Registrar General extracts from the registers kept by them of births, marriages and deaths occurring in their locality, shall be entitled to be paid for such notice at the rate of 10 dollars per hundred events registered.

19. Every person who shall make, or cause to be made, for the purpose of being inserted in any register of births, marriages or deaths any false statement touching any of the particulars herein required to be known and registered, or who shall alter or deface any return or register, shall be subject to the same pains and penalties as if such person were guilty of wilful and corrupt perjury.

20. Every person who shall send to any newspaper, publisher or other person for publication in any newspaper in this Colony, a fictitious or false statement of the marriage or death of any person, or of the birth of any child, shall be guilty of a misdemeanour, and shall be liable to fine or imprisonment, or both, at the discretion of the Supreme Court of this Colony.

21. Every proprietor, editor or publisher of any newspaper published in this Colony, who shall knowingly and wilfully publish a fictitious or false statement of the marriage or death of any person, or of the birth of any child, shall be guilty of a misdemeanour, and shall be liable to fine or imprisonment, or both, at the discretion of the Supreme Court of this Colony.

22. All fines imposed under this Act, unless herein otherwise provided, shall be recovered in a summary manner before any stipendiary magistrate in the name of the Registrar General; one-half of such fine shall be retained by the registry officer prosecuting, and the remainder shall be paid to the Registrar General, and shall be paid over by him to the Receiver General for the use of the Colony.

23. Reference may be had to the registers by any person, during office hours, by paying a fee of 10 cents, under such regulations as the Registrar General shall appoint; and a certified extract from any registry may be obtained from him on application, by paying a fee of 50 cents in each case: Provided that all clergymen, doctors, solicitors, members of the Legislature and public officers, shall have free access to the registers during office hours free of charge.

24. Certificates of births, marriages and deaths shall be exact copies of the registers, and shall be signed and certified by the registering officers.

25. This Act shall come into force at such date as shall be appointed by the Governor by his Proclamation.

26. This Act may be cited as "The Registration Act, 1890."

SCHEDULE A.

Colony of Newfoundland.

No.

Electoral District of _____, 18____.

Schedule. Notice is hereby given that the death took place at (b), on the (c) day of _____, 18____, of (d) aged _____ years, [married or single] as far as could be ascertained.

(e)

(f)

Witness, —

- (a.) Name of place; day of month and year.
 (b.) Name of place where death occurred.
 (c.) Day of month and year when death occurred.
 (d.) Name in full of deceased person.
 (e.) Name of person giving this notice.
 (f.) Address of person giving this notice.

Schedule B.

NEWFOUNDLAND.

Colony of Newfoundland.

No.

Electoral District of ,

(a) 18 .

[Sir] or [Madam],

Hearing that a birth [marriage or death] has recently occurred in your Schedule. [house] or [family], it is my duty to call your attention to the provisions of the "Registration Act of 1890." An extract is hereto appended, in order that you may be prepared to conform to the requirements of the Act, and avoid the penalties for any breach of the same.

To

, (b)

_____,
Registering Officer for District.

Enclosure 3 in No. 2.

ANNO QUINQUAGESIMO QUARTO VICTORIÆ REGINÆ.

Chapter IX.—An Act to amend 53rd Vict., cap. 21, entitled "An Act to provide for the Registration of Births, Marriages and Deaths."—[Passed, 30 May 1891.]

SECTION

1. Repealing section.
2. Repeal and substitution.
3. Amendment.
4. All clergymen and other persons duly licensed shall be "Registering officers."

SECTION

5. Every sexton shall receive a certificate of death of every person to be buried in any cemetery.

Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows :— Enacting clause.

1. Section 4 of the Act passed in the 53rd year of the Reign of Her present Majesty, chapter 21, entitled "An Act to provide for the Registration of Births, Marriages and Deaths," is hereby repealed. Repealing section.

2. Section 6 of the said Act is hereby repealed, and the following substituted therefor :— Repeal and substitution.

"Notice of all births, marriages and deaths that take place in this Colony shall be given within such times as are hereinafter provided, to one of the registering officers appointed under this Act."

3. Section 8 of the said Act is hereby amended by striking out the words, "fees for certificates and," in the eighth line of the said Section. Amendment.

4. All clergymen, and other persons legally licensed to baptise, celebrate marriage, or perform funeral service in this Colony (and having charge of any mission, parish, or congregation), shall be "Registering Officers," and the limits of their duties under this Act shall be the same as those assigned them by ecclesiastical authority. All clergymen and other persons duly licensed shall be "Registering officers."

5. No

(a.) Name of place, day of month and year.
(b.) Name and address of person to whom notice is sent.

NEWFOUNDLAND.

Every sexton shall receive a certificate of death of every person to be buried in any cemetery.

5. No sexton, or other person, having charge of a cemetery or burial place, shall permit the burial of any person in such cemetery or burial place, without first having received a certificate signed by a medical attendant, a clergyman, or two reliable persons cognisant of the facts, certifying to the death of the person for whom burial is required, and setting forth, so far as is known, the cause of death; and all such certificates shall be forwarded monthly to the "Registering Officers" concerned.

Enclosure 4 in No. 2.

ANNO QUINQUAGESIMO QUINTO VICTORIÆ REGINÆ.

Chapter XII.—An Act to amend the Law relating to the Solemnisation of Marriage. [Passed 1 June 1892.]

SECTION

1. Cap. 105 of Consolidated Statutes to apply to Salvation Army.
2. Duties imposed by said chapter to apply to staff officers, &c., of the Salvation Army.

SECTION

3. Short title.
4. Publication.

Preamble.

Whereas it appears that in the religious Society called "The Salvation Army," there are official persons known as "Commissioners" and "Staff Officers," whose position and duties are substantially the same as those of the persons who are authorised by Chapter 105 of the Consolidated Statutes to celebrate marriage;

Enacting clause.

Be it therefore enacted by the Governor, the Legislative Council and House of Assembly in Legislative Session convened, as follows:—

Cap. 105 of Consolidated Statutes to apply to Salvation Army.

1. The said Chapter, and the Act to provide for the registration of births, marriages and deaths, and the Act in amendment thereof, shall hereafter apply to the said religious society: and any duly appointed "commissioner" or "staff officer" of the said Society, being a man chosen or commissioned by the said Society to solemnise marriages, and resident within this Colony or its dependencies, and who shall have been duly licensed by the Governor to celebrate marriages in the place in which he may reside, shall have, for the time being, the same authority for that purpose as a person authorised under the said Chapter to celebrate marriages.

Duties imposed by said chapter to apply to staff officers, &c., of the Salvation Army.

2. All the duties imposed upon and rights given to persons in holy orders, ministers, or others, by the said Chapter, Act or Acts, are hereby imposed upon and given to such "commissioners" and "staff officers" aforesaid, being duly licensed as aforesaid, who shall be liable to all fines, penalties and forfeitures imposed by the said Chapter or by the said Acts, or either of them.

Short title.

3. This Act shall be construed as one with Chapter 105 of the Consolidated Statutes; and this Act and the said Chapter may be cited, collectively, as "The Acts relating to the Solemnisation of Marriage."

Publication.

4. All appointments made by the Governor, for the purposes of this Act, shall be published in the *Royal Gazette*.

NATAL.

— No. 3 —

NATAL.

Sir *W. F. Hely Hutchinson* to the Marquess of *Ripon*.

(Received 28 November 1893.)

Government House, Pietermaritzburg,

Natal, 1 November 1893.

My Lord,

IN reply to your Lordship's Circular Despatch of 16 September, I forward a report on the Marriage Law of Natal, which has been furnished by the Attorney-General.

Attorney-General.
Report.
31 October 1893

I have, &c.,
(signed) *Walter Hely Hutchinson*.

Enclosure in No. 3.

An outline of the Law relating to Marriage and Divorce in the Colony of Natal.

THE ordinary law of marriage in this colony is that comprised in the code known as Roman-Dutch law, established in Natal on its annexation to the Cape of Good Hope in the year 1845, but modified by subsequent legislation.

Age at which Marriage may be Contracted.

Marriage may be contracted between males of not less than fourteen years of age, and females of not less than twelve.

Prohibitions.

Marriage is prohibited between persons related in the direct ascending and descending line, and, in the collateral line, within the fourth degree, that degree being excepted.

Degrees are, under the Roman-Dutch system, ascertained by starting from the common ancestor; parent and child stand in the first degree of relationship, brothers in the second. The relationship of first cousins is thus the nearest which is excepted from the prohibition.

The prohibition extends to affinity, in the same degrees, with the relatives of a husband or wife.

A widow is prohibited from re-marrying within a limited time after her husband's death. The shortest time would probably be three months.

Consent of Parents and Guardians.

Persons under the age of majority (twenty-one years) are forbidden to marry without the previous express permission of the father, or, after his death, of the mother; and marriages entered into without such permission are void.

In the case of persons under tutelage the consent of the guardians, although at one time a matter of some doubt, has, for a long time in the Cape Colony, and always in Natal, been regarded as necessary, and it is so recognised in the Marriage Licenses Law of 1889. It is probable, however, that the absence of such consent would not render void a marriage entered into in breach of the law.

The Chief Justice is empowered, in cases where the consent of parents or guardians cannot be conveniently obtained, or is wrongfully withheld, to grant permission for the marriage of a minor without such consent being had.

Solemnisation and Registration Fees.

The law in regard to publication of banns, solemnisation of marriages, duties of ministers and marriage officers, and registration, are defined in several enactments.

ments, the principal of which is Her Majesty's Order in Council of 7 September 1838, and which need not be referred to in detail, as they assimilate the law with that of England.

The legal hours of marriage are from eight in the morning to four in the afternoon.

Marriage fees are regulated by the Order in Council above referred to, and are as follows :—

	s.	d.
For solemnising and registering a marriage, and transmitting the duplicate original to the Colonial Secretary	-	4 -
For every general search - - - - -	-	4 -
For every search for a particular entry - - - - -	-	2 -
For every search for two or more, not exceeding four, entries, each entry - - - - -	-	1 -
Exceeding four entries search - - - - -	-	4 -
Certified copy of marriage register - - - - -	-	2 -

Licenses to marry may be granted either by the Colonial Secretary, on behalf of the Governor, or by the resident magistrates.

Marital Power.

The wife by marriage comes under her husband's power, and loses the power of contracting or performing any legal act unless assisted by him therein.

Community of Property.—Administration by Husband.

Under Roman Dutch law marriage induces a community of all property of the spouses, whose joint estate becomes liable for all debts, previously or subsequently contracted, of either spouse.

The husband exercises a full power of administration of the joint estate, which he may encumber, or dispose of, by his sole authority.

The community of property and the husband's administration may be avoided by the execution, before marriage, of an agreement known as an ante nuptial contract, or, under certain Natal laws, the first of which was passed in 1863, by a post-nuptial contract executed and registered with certain formalities.

Separation.

The Supreme Court has power to grant a decree of separation *à mensâ et thoro* by the mutual consent of spouses, or at the suit of either. Such a decree is made in the hope of future reconciliation, and is discharged by the resumption of conjugal life.

Divorce.

Divorce, annulling marriage, may be granted by the Supreme Court at the suit of either spouse, on the grounds of adultery, or malicious desertion, continued for not less than 18 months prior to the commencement of the suit. Proceedings for divorce, on the ground of desertion, are commenced by a citation for restitution of conjugal rights, with a prayer for divorce in case of non-compliance with the order for restitution.

Until quite recently an order for restitution has been made with a decree for divorce dependent on the non-fulfilment of the order for restitution, but, in a case now pending, this procedure has been varied. In the first part of the case an order for restitution was granted, with leave to the plaintiff to apply for further relief in case of non-compliance; and it is likely that this will be the practice in future.

Every decree of divorce is expressed to be provisional for a term of from three to six months. During this time the defendant spouse may move, or the Attorney-General may intervene, to prevent the judgment from becoming final.

The Court, when granting a decree of divorce, may alter the terms of the marriage settlement, and make suitable provision for the maintenance of the innocent spouse, and for the custody and maintenance of the children.

There are special laws under which the marriages of the native Kafir population,

tion, and of the Indians introduced into the colony under indentures of service, are regulated.

Polygamy has always existed as an institution among the native tribes. These people are in Natal governed under their own system of laws, which are codified in Law No. 19, 1891. Their marriages are celebrated in accordance with the customs thus legalised. A special Statute was, however, passed in 1887, providing in regard to the marriages of Christian natives. Persons married under this law, and their children, are forbidden to contract polygamous marriages. Polygamous marriages of Indians in Natal are prohibited, but such marriages contracted in India are recognised here. There is also provision for the marriage of Indian immigrants by Christian rites.

I am indebted to my chief clerk, Mr. James William Fairbridge Bird, for the care with which he has prepared this minute.

I append a list of the Statutes in force in Natal, which bear upon the subjects of marriage and divorce, and a memorandum furnished to me by the Master of the Supreme Court on the subject of the cost of suits for obtaining divorce.

(signed) *Harry Escombe,*
Attorney-General.

Attorney-General's Office,
Natal, 31 October 1893.

LIST OF LAWS.

Ordinance or Law.		Subject.
No.	Year.	
17	1846	Marriage Order in Council of 7 September 1838.
1	1856	Enabling spouses to devise property.
22	1863	} Post-nuptial contracts.
14	1882	
16	1867	} Registration.
17	1875	
2	1876	} Licenses.
7	1889	
19	1881	Marriage Officers.
13	1883	Divorce.
43	1887	} Edictal citations.
18	1891	
13	1875	Native Marriages.
46	1887	Ditto - - Christian Rites.
19	1891	Native Code.
25	1891	Indian Immigrants.

Memorandum.

The cost of obtaining divorce in this Colony necessarily varies according to the circumstances of each action.

In a simple undefended suit for restitution of conjugal rights, or, failing such relief, for a divorce upon the ground of malicious desertion, the taxed costs ought not to exceed 35*l.* or 40*l.*, exclusive of the expenses of serving summons, which may be considerable if the defendant's known residence is remote or difficult of access. Where the defendant's residence is not known, advertising charges have to be added.

NATAL.

There would be, say, 8*l.* or 10*l.* further fees charged as between attorney and client, and not recoverable, as a rule, from the other side.

A divorce in which an action is defended is, of course, more expensive. Where the necessary facts are difficult of proof and much inquiry is necessary, the expenses would be much increased.

The proceedings in by far the greater number of divorce suits in this Colony, are by default, and, therefore, undefended, the usual ground of action being that of desertion.

I have before me a bill in an action of this kind rendered at 46*l.* 15*s.* 4*d.*, and taxed down to 36*l.* 12*s.* 10*d.* This I consider very reasonable.

I may add that a poor suitor can usually obtain relief by having an Attorney assigned to conduct the action *pro Deo*, in which case there are no fees, though the cost of serving the summons, or advertising, as the case may be, has, in general, to be provided for.

(signed) *W. Broome,*
Master, Supreme Court.

26 October 1893.

WESTERN AUSTRALIA.

— No. 4. —

Sir *W. C. F. Robinson* to the Marquess of Ripon.

(Received 26 December 1893.)

Government House, Perth,
23 November 1893.

My Lord,

IN reply to your Lordship's Circular Despatch of the 16th of September, requesting information respecting the Marriage Laws and the Law on Divorce in this Colony, I have the honour to enclose, herewith, copy of a Minute on the subject which I have received from the Premier, Sir John Forrest.

I have, &c.
(signed) *W. C. F. Robinson.*

Enclosure in No. 4.

Premier to Governor.

His Excellency the Governor,

IN reply to Lord Ripon's despatch of the 16th September last, asking for a return giving an outline of the Marriage Laws prevailing in this Colony, I beg to inform your Excellency that marriages can be solemnised:—

(1.) Under special license issued by the Governor, or by publications of banns in a place of worship, or by an intimation, in writing, being fixed for three consecutive Sundays on the door of the place of worship in which the marriage is to be celebrated, or by a notice being given to the District Registrar of the district within which the parties, or one of them, shall have dwelt for not less than seven days then next preceding.

(2.) Marriage with a deceased wife's sister is legal under the law in force in this Colony.

(3.) Marriages must be solemnised between the hours of 8 a.m. and 4 p.m.

(4.) Fees:—

			£	s.	d.
Marriages by District Registrar	-	-	2	0	0
Notice to - ditto	-	-	0	1	0
Registration of Marriage	-	-	0	2	6

(5.) A minor

WESTERN
AUSTRALIA.

21 November 1893

(5.) A minor, unless a widower or widow, must produce the written consent of the parents or guardians.

(6.) I may add that practically our marriage laws are the same as the English laws, with the exception of those relating to the marriage with deceased wife's sister. Our laws of divorce are just the same as the English laws.

(signed) *John Forrest,*
Premier.

21 November 1893.

WESTERN
AUSTRALIA.

QUEENSLAND.

— No. 5. —

QUEENSLAND.

Sir *H. W. Norman* to the Marquess of *Ripon*.

(Received 1 January 1894.)

Government House, Brisbane,
21 November 1893.

My Lord Marquess,

IN reply to your Circular Despatch of the 16th September last, requesting to be furnished with certain information respecting the marriage and divorce laws prevailing in this Colony, in answer to addresses presented by the House of Commons, on the motion of Mr. Henniker Heaton, to Her Majesty, I have the honour to forward a copy of a letter from the Registrar General, received through the Chief Secretary, which affords the desired information, and encloses copies of the several Acts in force here, relating to marriage and divorce, and a synopsis of Vic. No. 15 of 1864.

I have, &c.
(signed) *H. W. Norman.*

Enclosure in No. 5.

Registrar General's Office, Brisbane,
13 November 1893.

Sir,

I do myself the honour to acknowledge the receipt through the Honourable the Colonial Secretary of a circular letter from the Right Honourable the Marquess of Ripon, together with your Minute thereon, asking to be furnished with certain information respecting the Marriage and Divorce Laws of this Colony.

In reply, I beg leave to inform you—

(1.) With regard to an outline of the Marriage Laws, I enclose a synopsis of the Marriage Act, relating to the duties of ministers of religion in connection with the celebration of marriages in this Colony, and which contains an explicit review of the principal sections of the Act referred to.

(2.) The age at which marriage is legal is from fourteen (14) years upwards; however, should either party be under twenty-one (21) years of age, it is necessary to obtain the consent of the parents, a guardian, or of a justice authorised to give consent.

(3.) The laws of prohibition are similar to those of England with the exception that, in this Colony, marriage with a deceased wife's sister is legalised.

(4.) The hours during which the marriage ceremony may take place, are between eight (8) o'clock in the morning and eight (8) o'clock in the evening.

(5.) The fee charged for a marriage by civil contract, *i.e.*, by a District Registrar or a Justice authorised for that purpose, is one pound (1*l.*) ; there is no Law regulating the fee chargeable by Ministers of Religion.

(6.) The Law of Divorce is almost identical with that in force in England.

I enclose for your information copies of the several Acts* bearing upon the Marriage and Divorce Laws.

I have, &c.

(signed) *William T. Blakeney.*

The Principal Under Secretary,
&c. &c. &c.

Registrar General.

SYNOPSIS of the Marriage Act, 28 Victoria, No. 15, relating to the Duties of Ministers of Religion in connection with the Celebration of Marriages in Queensland.

Clause 2 renders it imperative that ministers of religion shall be registered in the office of the Registrar General before they can legally celebrate marriages.

Clause 4 provides that whenever any minister so registered shall cease to reside in the registrar's district, he shall cause his name and new residence or designation to be registered anew, with the Registrar General, or he shall not be deemed registered according to the Act.

Clause 8 provides that any person causing his name to be registered as a minister of religion, and knowing himself not to be such, shall be guilty of a misdemeanour, and renders himself liable to a fine of two hundred pounds, or two years' imprisonment.

Clause 10 provides that no marriage shall be celebrated until after each of the parties to be married shall have made a solemn declaration (upon oath or solemn affirmation), before some surrogate for licenses, or before a minister or district registrar celebrating the marriage.

Clause 11 provides that no marriage shall be deemed legal or valid unless celebrated between the hours of eight o'clock in the morning and eight o'clock in the evening.

Clause 14 provides that every marriage shall be celebrated in the presence of two witnesses at least ; and that the witnesses, the minister celebrating the marriage, and the parties to the marriage, shall sign a certificate in the form Schedule D to the Act.

The same clause provides that the minister who celebrates the marriage shall deliver a copy of the certificate above-mentioned to one of the parties to the marriage immediately after the marriage ; and shall transmit the original certificate to the registrar of the district in which the ceremony was performed, within one month after the celebration of such marriage.

Clause 15 empowers the minister to ask of any person about to be married the several particulars required to be registered respecting such marriage.

Clause 16 exempts parties both of whom shall be Quakers or Jews from the provisions of the Act, but renders it compulsory upon the person who shall celebrate a marriage between such parties, to transmit a certificate of such marriage to the registrar of the district, in which certificate shall be set forth the date and place of such marriage, and the name, designation, and usual residence of each of the parties to the marriage.

Clause 18 provides that where either party to the marriage (not being a widower or widow) is under 21 years of age, the minister is not authorised to celebrate

celebrate the marriage until a written consent to such marriage is produced to him from the father of such party, in the form Schedule E to the Act, if the father is in the Colony; should the father not be in the Colony, the consent of the guardian, duly appointed by the father, is required. If there is no guardian in the Colony, then the mother's consent is requisite, if within the Colony. Where there are no parents or guardians in the colony, or where the parents or guardians are incapable of consenting to the marriage in consequence of distance, habitual intoxication, or mental incapacity, then the written consent of some justice of the peace duly appointed for the purpose of giving consent to the marriage of minors, is necessary. The clause also provides that the signature of the parent or guardian consenting to the marriage of a minor shall be attested by a magistrate, a registered minister, or a district registrar, whose duty it shall be to ascertain whether the party clearly understands what he or she is signing.

Clause 20 provides that the statement of the fact of a consent having been produced by the minor, shall be endorsed by the minister on the marriage certificate, and on the copy thereof, and such endorsement shall be signed by the minister who celebrates the marriage. The same clause also authorises the minister to postpone the celebration of a marriage for one week after the production of such written consent, to enable him to make inquiries, and to post notices, &c., to ascertain, if possible, the validity of the statements made by a minor. It also gives the minister the same power even when parties declare themselves of full age, if he has reason to doubt the truth of such a statement.

Clause 25 provides that if a minister celebrates a marriage where either of the parties (not being a widower or widow) are minors, and he shall know them to be so, without the production of a written consent from their parents, &c., or knowing that the consent, if produced, is not by the appropriate person, or who shall wilfully celebrate a marriage contrary to the provisions of this Act, shall be guilty of a misdemeanour, and shall subject himself to a penalty of five hundred pounds, or five years' imprisonment.

Clause 27 provides that a minister wilfully marrying a minor without a written consent from the person authorised to give it, or any person endeavouring to induce a minister, registrar, or other person to marry such minor, knowing him or her to be such, without such consent, shall be guilty of a misdemeanour, and shall subject himself to a penalty of five hundred pounds or five years' imprisonment.

Clause 28 provides that any person forging or uttering, or assisting to forge or utter, a written consent purporting to be signed by the parents or guardian of a minor, knowing the same to be forged, or any person forging or uttering, or assisting to forge or utter, any certificate or writing purporting to be a certificate under the provisions of the Act, or who shall sign or transmit to any registrar any certificate or writing purporting so to be, containing to his or her knowledge any false statement, shall be guilty of a felony, and on conviction, shall be subject to five years' imprisonment, with or without hard labour.

Clause 29 provides that the validity of a marriage shall not be affected owing to the non-registration of the minister's name who celebrated it, but the minister renders himself liable, if the omission was wilful on his part, to the penalty mentioned in the 25th Clause, and if the omission was accidental or through inadvertence on his part to a fine of twenty pounds, to be recovered in a summary way before two justices.

Clause 30 provides a penalty of not less than ten pounds, and not exceeding fifty, for the neglect on the part of a minister to forward the original certificate of marriage to the registrar of the district within the time prescribed by the Act. The same penalty attaches to the husband where no person performs a marriage other than the parties themselves, under the provisions of Clause No. 16.

Clause 31 provides that nothing in the Act shall affect the right of a minister to receive the fees usually paid for the celebration of a marriage.

VICTORIA.

— No. 6. —

VICTORIA.

The Earl of *Hopetoun* to the Marquess of *Ripon*.

(Received 8 January 1894.)

Government House, Melbourne,
2 December, 1893.

My Lord,

In reply to your Lordship's Circular Despatch of the 16th September ultimo, requesting to be furnished for the information of the House of Commons with the Statute Law prevailing in this Colony on the subject of Marriage and Divorce, I have the honour to transmit a memorandum by the Honourable the Attorney-General upon the above Laws, together with the Acts and Regulations referred to therein, which it is hoped will convey the information required.

I have, &c.
(signed) *Hopetoun*.

Enclosure in No. 6.

OUTLINE OF THE MARRIAGE AND DIVORCE LAWS OF VICTORIA.

THE statute law of Victoria on the subject of marriage and divorce is contained in the Registration of Births, Deaths and Marriages Act 1890, No. 1137, and the amended Act No. 1303, the Marriage Act 1890, No. 1166, and the Marriage Act, 1890, Amendment Act, No. 1204, copies of which, with the rules thereunder, are forwarded herewith.

Sections 14 to 16 of the Act, No. 1166, deal with the restrictions on the marriage of minors, but otherwise these Acts contain nothing as to the age at which marriage may be contracted and our law on this point must be taken to be the same as the law of England. The same may be said of the "laws of prohibition" with the important qualification that marriage with a deceased wife's sister is permitted by Victorian law (No. 1166 s. 18.)

When a marriage is celebrated by the Government Statist, or other officer appointed to celebrate marriages, the ceremony must be performed between the hours of 8 a.m. and 4 p. m., (No. 1166 s. 9.) No fee is payable in this case.

There is no statutory restriction of the hours during which marriages may be celebrated by a minister of religion, and the fee chargeable for such marriages is a matter of private arrangement, except that in the Anglican Church the Bishop's license to dispense with banns costs 3*l.* 3*s.*

The law relating to divorce will be found in the Marriage Act 1890, Part VIII. Since 1890 the grounds upon which divorce may be granted, which up to that time were the same as in England, have been considerably extended. The nature of the alterations will be seen from a perusal of s. 74.

When a petition for divorce has been filed by a wife, the Court, if it considers she has not sufficient separate estate, has power to order the husband to pay a sum of money into Court to enable her to have the merits of her case investigated by a proctor (No. 1166 s. 111.) And the Court may make an order to sue or defend in *forma pauperis*, in which case no fee of any kind is payable (*Ib.* s. 118.)

(signed) *Bryan O'Loghlen*,
Attorney General.

December 2, 1893.

PART VIII.—DECREES FOR DISSOLUTION OF MARRIAGE.*

VICTORIA.

74. Any married person who at the time of the institution of the suit or other proceeding shall have been domiciled in Victoria for two years and upwards may present a petition to the Court praying on one or more of the grounds in this section mentioned that his or her marriage with the respondent may be dissolved—
- (a) On the ground that the respondent has without just cause or excuse wilfully deserted the petitioner, and without any such cause or excuse left him or her continuously so deserted during three years and upwards : Desertion.
 - (b) On the ground that the respondent has during three years and upwards been an habitual drunkard and either habitually left his wife without the means of support, or habitually been guilty of cruelty towards her, or being the petitioner's wife has for a like period been an habitual drunkard and habitually neglected her domestic duties or rendered herself unfit to discharge them : Habitual drunkenness with cruelty or neglect, &c.
"The Divorce Act, 1889," section 11.
 - (c) On the ground that at the time of the presentation of the petition the respondent has been imprisoned for a period of not less than three years and is still in prison under a commuted sentence for a capital crime or under sentence to penal servitude for seven years or upwards, or being a husband has within five years undergone frequent convictions for crime and been sentenced in the aggregate to imprisonment for three years or upwards and left his wife habitually without the means of support : Sentence for crime.
 - (d) On the ground that within one year previously the respondent has been convicted of having attempted to murder the petitioner or of having assaulted him or her with intent to inflict grievous bodily harm or on the ground that the respondent has repeatedly during that period assaulted and cruelly beaten the petitioner : Violent assaults, &c.
 - (e) On the ground that the respondent being a husband has since the celebration of his marriage and the eighth day of May one thousand eight hundred and ninety been guilty of adultery in the conjugal residence or coupled with circumstances or conduct of aggravation or of a repeated act of adultery. Adultery.

If in the opinion of the Court the petitioner's own habits or conduct induced or contributed to the wrong complained of, such petition may be dismissed; but in all other cases under this section if the Court is satisfied that the case of the petitioner is established, the Court shall pronounce a decree dissolving the marriage. When divorce may be pronounced.
Ib. section 12.

A domiciled person shall for the purposes of this section include a deserted wife who was domiciled in Victoria at the time of desertion, and such wife shall be deemed to have retained her Victorian domicile notwithstanding that her husband may have since the desertion acquired any foreign domicile. No person shall be entitled to petition under this section who shall have resorted to Victoria for that purpose only. Application of the word "domiciled."
Ib. section 15.

* Inasmuch as this Statute gives the Court jurisdiction in the main object of a suit for dissolution of marriage, it has jurisdiction in all collateral incidents of the suit.—*Splatt v. Splatt*, 11 V.L.R., 300

FEES OF COURT IN PROCEEDINGS UNDER "THE MARRIAGE ACT, 1890."

Writs, Commissions, &c.

	£.	s.	d.
On signing and sealing every citation - - - - -	-	-	2 6
On sealing a writ of subpœna - - - - -	-	-	1 -
On sealing every other writ - - - - -	-	-	2 6
On sealing copy petition - - - - -	-	-	2 6
On issuing summons to attend in Judge's Chambers - - - - -	-	-	1 -
On issuing any other summons or warrant - - - - -	-	-	1 -
On sealing every commission - - - - -	-	1	- -

Appearances.

On entering an appearance - - - - -	-	-	1 -
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Copies.

For making a copy and marking same as an office copy, for every folio - - - - -	-	-	6
For examining a written or printed copy and marking same as an office copy, per folio - - - - -	-	-	2
For a copy in a foreign language, the actual cost.			

Attendances.

On the attendance of an officer as a witness, or on the production by him of any record or document to be given in evidence (in addition to the reasonable expenses of the officer), for each day or part of a day he shall necessarily be absent from his office - - - - -	-	-	1 - -
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Filing.

On filing petition - - - - -	-	-	5 -
On filing answer, reply, or other pleading or statement in nature of a pleading - - - - -	-	-	5 -
On filing application for order for protection, or for discharging any such order - - - - -	-	-	5 -
On filing affidavit with exhibits (if any) annexed - - - - -	-	-	1 -
On filing any other documents - - - - -	-	-	1 -

Certificates.

For a certificate of appearance, or of a pleading, affidavit, or proceeding, having been entered, filed, or taken, or the negative thereof - - - - -	-	-	1 -
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Searches.

On application to search for and inspect a pleading, decree, order, or other record; or to inspect documents deposited for safe custody or production (unless otherwise expressly provided for), for each hour or part of an hour - - - - -	-	-	2 6
Not exceeding on one day - - - - -	-	-	10
Every other search - - - - -	-	-	1 -

Hearing.

For entering or setting down, or re-entering or re-setting down, an appeal to the Full Court, or a suit for hearing, or issues for trial or re-hearing, or new trial - - - - -	-	-	10
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Decrees and Orders.

VICTORIA.

	£.	s.	d.
For every decree <i>nisi</i> or absolute - - - - -	-	10	-
For every order of the Full Court - - - - -	-	10	-
For any other order, whether made in Court or in Chambers - - - - -	-	3	-

Taxation of Costs.

For taxing a bill of costs, where the amount allowed does not exceed 8 <i>l.</i> - - - - -	-	2	-
Where the amount allowed exceeds 8 <i>l.</i> , for every 2 <i>l.</i> allowed or fraction thereof - - - - -	-	6	-

Petitions, &c.

Setting down petition or notice of motion - - - - -	-	5	-
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Miscellaneous.

Upon a reference to the Master in Equity, Chief Clerk, or Prothonotary, for the purpose of any investigation or inquiry, for every hour or part of an hour the Master in Equity, Chief Clerk, or Prothonotary is occupied - - - - -	-	-	-
Drawing report of Master in Equity, Chief Clerk, or Pro- thonotary, per folio, exclusive of schedules - - - - -	-	1	-
Engrossing same, per folio - - - - -	-	6	-
Signing same - - - - -	-	1	-
On notice by any party that documents previously used are required in Court, for each document so required - - - - -	-	1	-
Affixing seal of Court to any document not otherwise pro- vided for - - - - -	-	5	-

For any other proceeding not herein specifically provided for, the same fees as for the like or analogous proceedings in an action.

MEMORANDUM.—The word “folio” in the foregoing scale means 72 words.

NEW ZEALAND.

— No. 7. —

NEW ZEALAND.

The Earl of *Glasgow* to the Marquess of *Ripon*.

(Received 22 January 1894.)

My Lord,

Wellington, 8 December 1893.

In reply to your Circular Despatch of 16th September 1893 with reference to the Marriage Laws prevailing in the Colonies, I have the honour to forward the enclosed outline of Marriage Laws at present in force in New Zealand, for your Lordship's information.

I have, &c.
(signed) *Glasgow*.

OUTLINE OF MARRIAGE LAW OF NEW ZEALAND.

THE Marriage Law of the Colony of New Zealand is consolidated in the Act No. 21 of 1880. Subsequent to this, but in the same year, was passed the Deceased Wife's Sister Marriage Act. Also, in 1889, an Act providing that an official records of marriages where lost, destroyed, or defective, may be supplemented by evidence in possession of private parties; and an Act passed in 1891 regulating the marriages of Quakers, and enacting some new provisions as to officiating ministers.

The Act of 1880 provides the following procedure :—

The Colony is divided into convenient districts, and a Registrar General and district registrars appointed.

Officiating Ministers and Registrars Authorised to Solemnise Marriage.

Section 9, 1880.

Amendment Act,
1891.

It is provided that a minister of religion whose name shall have been sent in to the Registrar General by the persons having ecclesiastical authority over certain specified religious bodies shall be an officiating minister in the meaning of the Marriage Act, and in case there be no ecclesiastical authority the name of a minister may be certified by two duly recognised office-bearers in his church. In regard to bodies not specified in the Act the certificate must be signed by the recognised head in New Zealand, or two recognised ministers, or by 10 adult members thereof, whose signatures are to be verified. The names are sent in December every year, and the Registrar-General enters every year the names in a book called the "List of Officiating Ministers," a copy of which is gazetted in January. Additional names may be placed on the list during the course of any year. The entry of the name of a minister in the list or gazette is evidence of his right to solemnise marriage on a registrar's certificate.

District registrars are all authorised to solemnise marriages for the convenience of parties who object to be married in the presence of an officiating minister.

Notice of Marriage to be Given.

Section 17, 1880.

In every case of intending marriage one of the parties must give notice to the registrar of the district in which one of the persons shall have dwelt for not less than three days. The notice states the age, name, surname, condition, and calling of each party intending marriage, their dwelling-place, the time that each has lived in the district, and the church or building in which the marriage is to be solemnised. And, if the persons live in different districts, the same notice is given to the registrar of each district. The notice is entered in the Marriage Notice Book and signed by the party giving it. The book is open to inspection.

Section 18, 1880.

Declaration to be Made.

Section 24.

The person giving notice of marriage is called upon to make a solemn declaration to the truth of the particulars set forth in the notice, and also in presence of the registrar another solemn declaration that there is not any impediment of kindred or alliance or other lawful hindrance to the marriage, and that one of the persons has for the space of three days immediately before the day of making declaration had his or her place of abode within the district where the marriage is to be solemnised.

When either of the persons, not being a widower or widow, is under the age of 21 years, the declaration must further state that the consent of the persons or person, whose consent is required by law, has been obtained, or that there is no person in the Colony authorised to give consent.

Section 26.

Certificate by Registrar to Authorise Solemnisation.

After notice given and declaration made, it becomes lawful for the registrar to issue a certificate to the effect that the requirements of the Act have been complied with, and that the marriage may be publicly solemnised in the presence

sence of an officiating minister and two or more witnesses within three calendar months from the date of notice, at the church or building named in the notice book, but no other place, and between the hours of eight in the morning and four in the afternoon. An immediate certificate can be issued when the notice shows that the parties are of full age, or, if under age, a widower or widow. When the person is under age, and not a widower or widow, the consent of the parent or guardian required to the marriage of such minor must appear on the notice, or be delivered to the registrar separately. The consent must be signed before a registrar, justice of the peace, solicitor, or officiating minister, and be so attested.

If the declaration states that there is no person in the Colony having authority to give consent, the registrar is required to withhold the issue of the certificate for 14 days after the date of notice.

A certificate issued by a registrar is full authority to any officiating minister to solemnise any marriage if both parties contracting marriage dwell in the same district, but if those persons dwell in different districts, certificates from both registrars are required.

Section 28.

No certificate may be issued by a registrar if any lawful impediment be shown to his satisfaction to the issue thereof, nor, if the issue of the certificate has been forbidden by caveat of persons authorised. It is provided also that if any persons knowingly and wilfully inter-marry without certificate from the registrar, or in the absence of an officiating minister or registrar, the marriage shall be null and void.

Section 25.

Section 41.

Consents and Caveats.

The father, if resident in the Colony, of any minor, if such person be not a widower or widow; or if the father be dead, the guardian or guardians lawfully appointed, and if there be no guardians, or father not in the Colony, then the mother if resident in the Colony, or if there be no mother resident, then the guardians appointed by the Supreme Court, shall have authority to consent to the marriage of such person, and the consent is required, unless there be no person in the Colony authorised to give such consent.

Section 19.

In case of any person whose consent is necessary to the marriage of a person under age being *non compos mentis*; or if a consent be unreasonably withheld petition may be made to the Supreme Court.

A person whose consent is required may forbid the issue of the registrar's certificate by writing in the presence of the registrar the word "forbidden" on the entry in the notice book, and signing, and any person whoever may enter a caveat with the registrar against the granting of a certificate; but if a registrar on examination into the matter of a caveat refuses to issue a certificate, the person applying has the right of appeal to the Supreme Court.

Section 21.

Solemnisation of Marriages.

The registrar's certificate or certificates, as the case may be, are handed to the officiating minister or registrar solemnising the marriage. Every marriage is to be solemnised at the place mentioned in the notice with open doors in the presence of an officiating minister or registrar, and of two or more witnesses. If the marriage is by a registrar, all the provisions as to notice, declaration and certificate, must be complied with as usual, the registrar, in fact, issuing the certificate to himself or herself. (There is one lady registrar in New Zealand.) Such marriage must be solemnised at the office of the registrar, each person declaring in the presence of the registrar and witnesses as under:—

Section 31.

"I do solemnly declare that I know not of any lawful impediment why
"I, A.B., may not be joined in matrimony to C.D., and each person saying
"to the other, I call upon these persons here present to witness that I,
"A.B., do take thee, C.D., to be my lawful wedded wife [or husband]."

Registration of Marriages.

Every officiating minister and registrar must register a marriage solemnised by him in his marriage register-book. The entry must be signed by the officiating minister or registrar, the parties married, and the witnesses. There is a penalty of 50*l.* for neglect to enter a marriage in the book.

Sections 34, et seq

Copies of all marriage entries are sent quarterly to the Registrar General under penalty for neglect not exceeding 10*l*.

The Registrar General causes all marriages to be indexed in his office, and any person can search the general index, or demand a certified copy of an entry of marriage on payment of the fee. These copies are *prima facie* evidence in the Courts of Justice of the Colony.

Offences.

Sections 46, *et seq.*

Amongst other offences the following appear in the Act:—

A person knowingly and wilfully making a false declaration for the purpose of procuring a registrar's certificate is guilty of a misdemeanour; and similarly a person who forbids the issue of a registrar's certificate by means of false representations.

A person knowingly and wilfully solemnising marriage at a place other than that mentioned in the certificate, or a person solemnising marriage without a registrar's certificate, is guilty of misdemeanour.

A person falsely pretending to be an officiating minister, and so solemnising marriage, is guilty of felony.

Fees to be paid to Registrars.

	£.	s.	d.
For every notice given of an intended marriage	-	-	2 6
For every inspection of a marriage notice book	-	-	1 -
For every <i>caveat</i> entered	-	-	5 -
For registrar's certificate, under Section 26*	-	-	1 -
For registrar's certificate, under Section 27†	-	-	5 -
For every marriage solemnized by a registrar	-	-	1 -
For a search in a registrar's marriage register-book, extending over a period of not more than one year	-	-	2 6
For every additional year	-	-	1 -
For every single certified copy of an entry therein	-	-	2 6
For the same, under the seal of the registrar	-	-	5 -
For every search in any index or marriage records in the office of the Registrar General	-	-	5 -
For every single certified copy of any marriage entry in the records of the Registrar General's Office	-	-	2 6
For the same, under the seal of the Registrar General	-	-	5 -

Limitation of Age for Marrying.

There is not any statutory limitation of age at which a registrar may refuse to issue a certificate to authorise a marriage. The statute does not limit or control the registrar's functions in this respect beyond imposing certain conditions as to consent of parents or guardians in the case of persons under age; but the Common Law of England applies in New Zealand with respect to the age of matrimonial consent.

Prohibitions.

It will be seen by the foregoing outline of the Marriage Act that every registrar has discretionary power to withhold the issue of a marriage certificate, if lawful impediment be shown, or if certificate be forbidden by caveat, &c. The lawful impediments are the legal affinities named in the Book of Common Prayer of the Church of England (except that marriage with a deceased wife's sister is now legalised in New Zealand), and such impediments as that of a previous union (wife or husband known to be alive), or the absence of a written consent of parent or guardian in case of a minor.

* Immediate certificate of marriage.

† For marriage of minor after 14 days' notice, when no person in Colony to give consent

Divorce in New Zealand.

NEW ZEALAND.

The Divorce Law of New Zealand is contained in "The Divorce and Matrimonial Causes Act, 1867," and a small amending Act passed in 1881, giving to one judge all the powers and jurisdiction vested in three or more judges by the principal Act.

A copy of each of these Acts is enclosed*, from which it will be seen that they contain very similar provisions to those of the English Acts.

The grounds on which divorce can be obtained in New Zealand are the same as in England, viz. :—

By the husband, on the ground of adultery alone. (Section 17.)

By the wife, on the ground of incestuous adultery, or of bigamy with adultery, or of rape, or of sodomy, or of bestiality, or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *à mensâ et thoro* under the law heretofore existing in England, or of adultery coupled with desertion without reasonable excuse for two years or upwards. (Section 18.)

A copy of every petition has to be delivered to the Attorney General or Solicitor General on the same day as the petition is presented, and he may intervene, within 14 days from service, to oppose petition.

The rules of pleading and procedure in force in New Zealand were adopted *mutatis mutandis* from the English procedure under the Act of 1857 (20 & 21 Vic. c. 85). They have not been changed in any material point since first issued.

As to the cost of obtaining a divorce in this Colony, see the Schedule "Fees" contained in the rules and regulations under the Divorce and Matrimonial Causes Act, 1867.

SCHEDULE.

Fees.

1. Citation.	16. Taking Evidence.
2. Appearance.	17. References to the Registrars.
3. Pleadings.	18. Summonses.
4. Evidence.	19. Motions.
5. Protection orders.	20. Writs.
6. Questions for jury.	21. Appeals.
7. Setting down.	22. Certificate.
8. Withdrawal.	23. Filing.
9. Subpœna.	24. Searches.
10. Hearing or trial.	25. Office copies and extracts.
11. Judge's notes.	26. Taxing costs.
12. Entering decree, verdict, or order.	27. Oaths.
13. Orders.	28. Proceedings not specifically provided for.
14. Bill of exceptions.	
15. Commission or requisition.	

1. *Citation.*

	£.	s.	d.
On every citation - - - - -	-	5	-
For settling citation, or an abstract thereof for advertisement, or other advertisement,—			
If five folios of 72 words or under - - - - -	2	6	
If above five folios, for each additional folio or part of a folio - - - - -	-	-	3

2. *Appearance.*

On entering appearance - - - - -	2	6
On amending appearance - - - - -	2	6

* Not printed.

3. *Pleadings.*

	£.	s.	d.
Filing a petition - - - - -		5	-
Filing an answer - - - - -		5	-
Filing a reply - - - - -		5	-
Filing a rejoinder or any further replication - - - - -		5	-
Filing act on petition - - - - -		5	-
Filing any writing to the act on petition by way of answer, reply, rejoinder, or conclusion - - - - -		5	-
Filing joinder in demurrer - - - - -		5	-
On amending or reforming pleadings - - - - -	2	6	

4. *Evidence.*

Filing interrogatories (each set) - - - - -	5	-	
Filing deposition of each witness - - - - -	2	6	

5. *Protection Orders.*

Filing application for an order for the protection of a wife's earnings and property - - - - -	5	-	
For entering the order on such application - - - - -	5	-	
For the order under seal of the Court - - - - -	10	-	

6. *Questions for Jury.*

For settling the issues of fact to be tried by a jury - - - - -	10	-	
Filing parchment copy of the issues of fact as settled - - - - -	2	6	
Filing panel - - - - -	2	6	

7. *Setting down.*

Setting a cause down for hearing or trial - - - - -	5	-	
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8. *Withdrawal.*

On withdrawal of a cause after same is set down for hearing or trial, to be paid by the party at whose instance it is withdrawn - - - - -	5	-	
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9. *Subpœna.*

On every subpœna - - - - -	2	6	
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10. *Hearing or Trial.*

On the hearing or trial of a cause :—			
From the party setting down the cause for hearing or trial - - - - -	1	10	-
If the hearing or trial continues more than one day, for each day :—			
From the same party - - - - -	1	-	-

11. *Judge's Notes.*

Producing the Judge's notes - - - - -	5	-	
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12. *Entering Decree, Verdict, or Order.*

Entering sentence or final decree in a cause, to be paid by the successful party - - - - -	10	-	
Entering verdict, if five folios of 72 words or under - - - - -	5	-	
If exceeding five folios, for each additional folio or part of a folio - - - - -	1	-	
Entering order for the examination of a witness or witnesses - - - - -	5	-	
Entering any decree or order for alimony - - - - -	5	-	

Entering

	£.	s.	d.	NEW ZEALAND.
Entering order directing how damages shall be applied -	-	5	-	
Entering order providing for custody, maintenance, or education of children, if five folios of 72 words or under -	-	5	-	
Entering any order made under the authority given by Sections 27, 37, and 38 of "The Divorce and Matrimonial Causes Act, 1867," if five folios of 72 words or under -	-	5	-	
If either of the above orders exceed five folios, for each additional folio or part of a folio -	-	1	-	
Entering any minute, order, or decree in the Court book other than minutes, orders, or decrees specified -	-	2	6	
Entering any order of the Registrar of the Court, the same fee as would be payable for entering a similar order made by the Judge.				

13. *Orders.*

For any order issuing under the hand of the Judge or of the Registrar, except orders made on summons -	-	5	-
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14. *Bill of Exceptions.*

Bill of exceptions signed by the Judge -	-	5	-
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15. *Commission or Requisition.*

On every commission or requisition issuing under seal of the Court -	-	1	-
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16. *Taking Evidence.*

For taking the evidence of one or more witnesses before the Registrar, and within three miles of the Registrar's Office, for each day -	3	3	-
If beyond that distance, for each day in addition to travelling expenses -	5	5	-
If for part of a day only, such smaller fee as the Registrar in his discretion shall think proper.			

17. *References to the Registrars.*

On each reference to ascertain the amount to be paid or secured to a wife to cover her costs :—			
For the Registrar's attendance -	-	5	-
For his report thereon -	-	2	6
On each reference for any other inquiry before the Registrar :—			
For Registrar's attendance -	1	-	-
For every hour or part of hour after the first hour a further fee of -	-	10	-
For the Registrar's report, if five folios of 72 words or under -	-	5	-
If exceeding five folios, for every additional folio or part of a folio -	-	2	-

18. *Summonses.*

On each summons -	-	2	6
For an order on summons, including the entry of same -	-	2	6
If a final order in the cause -	-	10	-

19. *Motions.*

Final case for motion -	-	5	-
Entering any minute or order on motion other than orders specified -	-	5	-
If a final order in the cause -	-	10	-

20. *Writs.*

	£.	s.	d.
Writ of attachment - - - - -	-	7	6
Writ of sequestration - - - - -	1	-	-
Writ of <i>feri facias</i> - - - - -	1	-	-

21. *Appeals.*

On lodging instrument of appeal - - - - -	10	-	-
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22. *Certificate.*

For every certificate under the hand of any Judge of the Court, or of any Registrar - - - - -	2	6	-
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23. *Filing.*

Filing every notice - - - - -	1	-	-
Filing exhibits for each exhibit - - - - -	1	-	-
Filing every affidavit or other document brought into Court or deposited in the Registrar's office for filing which no fee is before specified - - - - -	2	6	-

24. *Searches.*

Search in each Court-book, if within the last five years - - - - -	1	-	-
If at an earlier period than within the last five years - - - - -	2	6	-
In case the Court-books to be searched or the documents required are not in the Registrar's office, in addition to the above - - - - -	2	6	-

25. *Office Copies and Extracts.*

For every office copy or extract of a minute, order, or decree entered in a cause, or of any document filed in a cause, or deposited in the Registrar's office:			
If five folios of 72 words or under - - - - -	2	6	-
If exceeding five folios of 72 words per folio - - - - -	-	-	6
If on parchment, in addition to the above, for every folio and part of a folio of 72 words - - - - -	-	-	3
For the seal of the Court affixed to any minute, order, or decree, or to any office copy - - - - -	5	-	-

26. *Taxing Costs.*

Taxing every bill of costs:			
If five folios of 72 words or under - - - - -	2	6	-
If exceeding five folios of 72 words:			
When taxed as between party and party, for every folio and part of a folio of 72 words - - - - -	-	-	6
When taxed as between practitioner and client, for every folio and part of a folio of 72 words - - - - -	1	-	-
For postponement of appointment for taxation of costs, to be paid by the party at whose instance the appointment is postponed:			
If the bill of costs is five folios of 72 words or under - - - - -	1	-	-
If exceeding five folios of 72 words, and under 15 folios - - - - -	2	6	-
If exceeding 15 folios - - - - -	5	-	-

27. *Oaths.*

For administering an oath to each deponent - - - - -	1	-	-
For marking each exhibit - - - - -	1	-	-

28. *Proceedings not specifically provided for.*

NEW ZEALAND.

For any other proceeding not above specifically provided for,
the same fees as for the like or analogous proceedings on
an action for money or specific relief.

SOUTH AUSTRALIA.

SOUTH AUSTRALIA.

— No. 8. —

Lieutenant Governor *Way* to the Marquess of *Ripon*.

(Received 24 February 1894.)

My Lord,

Adelaide, 20 January 1894.

IN reply to your Lordship's Circular Despatch of 16 September last, I have the honour to forward herewith Memoranda as to the Marriage Laws and the Law of Divorce in this Colony, giving the information asked for by your Lordship.

The local statutes* on these subjects now in force are annexed to the Memoranda.

As the Memorandum as to the Law of Divorce is accompanied by the local Act on the subject, I also enclose the local Acts relating to the solemnisation of marriage, in case any of the information required may not be included in the Memorandum.

I have, &c.

(signed) *S. J. Way*.

Enclosure 1 in No. 8.

THE STATE OF THE LAW ON DIVORCE IN SOUTH AUSTRALIA.

A DECREE for dissolution of marriage can be granted on the following grounds:—

1. On the petition of the husband on the ground of adultery of the wife since the celebration of the marriage.

2. On the petition of the wife on the ground that since the celebration of the marriage the husband has been guilty of incestuous adultery, or of bigamy with adultery, or of rape, or of sodomy, or of bestiality, or of adultery coupled with such cruelty as would have entitled her under the Ecclesiastical Law as administered in England immediately before the time of the coming into operation of the Imperial Act 20 and 21 Vic. Chapter 85 to a divorce *à mensâ et thoro*, or of adultery coupled with desertion without reasonable excuse for one year or upwards.

The court will not entertain the petition if it be proved that the petitioner has during the marriage been accessory to or conniving at the adultery of the other party, or that the petition has been presented or prosecuted in collusion with respondents.

If the court finds that the petitioner has during the marriage been guilty of adultery which has not been condoned, or that the petitioner has condoned the adultery complained of, or has been guilty of unreasonable delay in presenting or prosecuting the petition, or has been guilty of cruelty which has not been condoned, or has wilfully deserted or separated himself or herself from the other party before the adultery complained of without reasonable excuse, or has been guilty of such wilful neglect or misconduct as has conduced to the adultery, then it is not bound to pronounce the decree.

A suit in divorce is commenced by petition on which a citation is issued to the respondent and co-respondent (if any). The respondent and co-respondent,
if

* Not printed.

if they intend to defend, enter an appearance and file an answer, and upon the pleadings being completed the direction of the court is sought as to mode of trial. The trial is usually ordered to take place on oral evidence before a judge and jury, or before a judge without a jury, though in exceptional cases the trial has been ordered to be on affidavit before a judge. The decree for dissolution of marriage is in the first instance a decree *nisi*, and if no cause to the contrary is shown within six months the decree can be made absolute.

The cost of divorce suits varies as in other suits according to the difficulties in each particular case. The fees charged in the Supreme Court in its matrimonial causes jurisdiction are set out in the second Schedule to Act No. 3 of 1867.

A judicial separation can be obtained either by the husband or wife on the ground of adultery or cruelty or desertion without cause for two years and upwards.

The average taxed costs of petitioners were during 1893 about 50*l*. Much depends on the proceedings necessary to be taken. The costs are heavier when evidence has to be taken on commission. In many instances no costs are taxed at all, the parties respondent being too impecunious.

A copy of the Matrimonial Causes Act of 1867, and the rules thereunder is attached.

(signed) J. M. Stuart,
Crown Solicitor.

15 January 1894.

THE SECOND SCHEDULE.

Fees to be taken for Proceedings in the Supreme Court in its Matrimonial Causes Jurisdiction.

	£.	s.	d.
On every citation - - - - -	-	5	-
On entering appearance - - - - -	-	2	6
Filing a petition - - - - -	-	5	-
Filing an answer - - - - -	-	5	-
Filing a reply - - - - -	-	5	-
Filing any further replication to a petition - - - - -	-	5	-
Filing application for an order for the protection of a wife's earnings and property - - - - -	-	5	-
Filing application for discharge of such order - - - - -	-	5	-
Filing interrogatories - - - - -	-	5	-
Filing answer of each deponent to interrogatories - - - - -	-	5	-
On every motion by counsel - - - - -	-	5	-
Entering order of Court on motion - - - - -	-	5	-
Summons to attend in Chambers - - - - -	-	2	6
For entering order on summons - - - - -	-	2	6
Filing notice - - - - -	-	1	-
On depositing questions of fact for Jury (exclusive of Jury fee) - - - - -	1	-	-
For the settling of questions of fact for trial - - - - -	1	-	-
Setting a cause down for hearing or trial - - - - -	-	5	-
Entering sentence or final decree in a cause - - - - -	-	10	-
Entering special verdict, if five folios of 72 words or under - - - - -	-	2	6
If exceeding five folios, per folio of 72 words - - - - -	-	-	6
Entering any decree or order for alimony - - - - -	-	5	-
Entering order directing how damages shall be applied - - - - -	-	5	-
Entering order providing for custody, maintenance, or education of children, if two folios of 72 words or under - - - - -	-	5	-
Entering order for settlement of the wife's property, if two folios of 72 words or under - - - - -	-	5	-
If either of the above orders exceed five folios, for each additional folio - - - - -	-	2	-
Entering any minute, order, or decree in the Court-book, other than the decrees or orders before specified - - - - -	-	2	6

On

On withdrawal of a cause after same is set down for hearing, to be paid by the party at whose instance it is withdrawn	£.	s.	d.
- - - - -	-	5	-
On the hearing or trial of a cause—			
From the plaintiff	-	1	-
From the defendant or defendants	-	15	-
If the hearing or trial continues more than one day, for each day—			
From the plaintiff	-	10	-
From the defendant or defendants	-	10	-
Producing the Judge's notes	-	5	-
Bill of exceptions signed by the Judge	-	5	-
Entering on the record the finding of the Jury or the decision of the Judge	-	5	-
On every subpoena	-	2	6
On a certificate under the hand of the Judge	-	2	6
Search in Court books, if within the last two years	-	1	-
If at an earlier period than within two years	-	2	6
In case the Court books to be searched or the documents required are not in the office, in addition to the above	-	2	6
Filing exhibits, not exceeding 10 for each exhibit	-	1	-
Exceeding 10, but not exceeding 20	-	10	-
Exceeding 20, but not exceeding 50	-	15	-
Exceeding 50	-	1	-
Office copies of minutes, orders, or decrees, Judge's notes, or other documents filed in a cause—			
If five folios of 72 words or under	-	2	6
If exceeding five folios of 72 words, per folio	-	-	6
In case the same are under seal of the Court, in addition for the seal	-	5	-
Filing every affidavit or other document brought into Court or deposited in the Office, for filing which no fee is before specified	-	1	6
Taxing every bill of costs—			
If three folios of 72 words or under	-	2	6
If exceeding three folios of 72 words—			
When taxed as between party and party, per folio	-	-	6
When taxed as between practitioner and client, per folio	-	1	-
For administering oaths, to each deponent	-	1	-

SOUTH AUSTRALIA.

Enclosure 2 in No. 8.

OUTLINE OF THE LAW OF MARRIAGE IN SOUTH AUSTRALIA.

WHEN the Colony of South Australia was founded the settlers who came there brought with them so much of the Common and Statute Law of England as was applicable to their infant condition, and for the purposes of the application of the law of England to the Colony the date of the foundation thereof is fixed by Statute as the 28th day of December 1836.

The marriage law of England as it existed before that date, except so far as it has been altered by local legislation, is the law of the Colony at the present time. The law of marriage in South Australia does not differ from that of England with regard to prohibition, except that in South Australia, by Act No. 21 of 1870-71, marriage with a deceased wife's sister has been legalised. With reference to age the law is the same as in England, and the ceremony can be performed at any hour.

The fees that can be charged by Registrars are as follows :—

	£.	s.	d.
For notice of intention to marry	-	2	6
For certificate to enable marriage to be celebrated	-	1	-

SOUTH AUSTRALIA.

						£.	s.	d.
If by license for issue of license	-	-	-	-	-	3	-	-
For celebrating marriage	-	-	-	-	-	10	-	-
(signed)	<i>J. M. Stuart,</i>							

15 January 1894.

Crown Solicitor.

The Local Statutes* now in force as to the solemnisation of marriage:

No. 15 of 1867.

No. 21 of 1870-71.

No. 243 of 1882.

And the language of Act, No. 9 of 1872* are hereto annexed.

TASMANIA.

TASMANIA.

— No. 9. —

Viscount *Gormanston* to the Marquess of *Ripon*.

(Received 10 March 1894).

Government House, Hobart, Tasmania,

3 February 1894.

My Lord,

WITH reference to your Lordship's Circular Despatch, dated the 16th of September last, I have the honour to transmit to your Lordship the accompanying Memorandum which I have received from my Prime Minister.

I have, &c.

(signed) *Gormanston*.

Enclosure in No. 9.

MEMORANDUM for His Excellency the Governor.

Premier's Office, Hobart, 23 January 1894.

IN compliance with the request of the Right Honourable the Secretary of State for the Colonies for a Return giving an outline of the Marriage Laws and the Law of Divorce in force in this Colony, as communicated by circular despatch of the 16th December last, the Premier has the honour to forward to your Excellency a copy of a Memorandum, with Enclosure, from the Attorney General, giving the information required.

(signed) *Henry Dobson*.

MEMORANDUM.

Attorney General's Office, Hobart,
29 December 1893.

I FORWARD herewith a Text-book of the Statutes of the Parliament of Tasmania regulating the celebration of Marriages by the Clergy of the respective Churches of England, Scotland, and Rome. This Text-book was prepared by Mr. R. Shirley Hales, and is, I believe, correct in every particular. Marriages may also be celebrated before deputy registrars of marriages after certain notices have been given and affidavits sworn.

Ages.—There is no statutory provision regulating the marriageable ages of males and females, and, as far as I am aware, there is no judicial decision upon the subject in Tasmania. Presumably, the age at which marriage can be contracted

tracted in this Colony is the same as in England, viz. : 14 years for males and 12 for females. In the case of any person other than a widow or widower being under the age of 21 years, it is necessary that the parent or guardian of such person should consent to the marriage.

The Laws of Prohibition.—With one exception, the law in Tasmania having reference to prohibition is the same as that now in force in England, the exception being that by the Tasmanian Statute (37 Vict., No. 7), all marriages duly solemnised within Tasmania between any person and his deceased wife's sister are valid.

Hours.—It is not lawful for any person to solemnise matrimony at any other time than between the hours of eight o'clock in the forenoon and four o'clock in the afternoon (6 Vict., No. 18, s. 15).

Fees.—A Deputy Registrar of Marriages is entitled to receive a fee of 18s. 6d. for every marriage solemnised before him, after notice is given, and 1l. additional is charged if by special license. The fees payable for marriages solemnised by the clergy are regulated by the proper authorities of the various churches.

Divorce.—The Statute law of Tasmania relating to divorce is practically a transcript of the English Acts mentioned in the margin. A divorce may be obtained by a husband on the ground that his wife has been guilty of adultery ; and by a wife on the ground that her husband has been guilty of incestuous adultery, or of bigamy with adultery, or of rape, or of sodomy, or bestiality, or of adultery coupled with cruelty, or of adultery coupled with desertion, without reasonable excuse, for two years or upwards.

20 & 21 V., c. 85.
21 & 22 V., c. 108.
22 & 23 V., c. 61.

A judicial separation may be obtained either by the husband or the wife on the ground of adultery, or cruelty, or desertion without cause for two years and upwards.

The cost of obtaining a divorce varies from 25l. and upwards.

(signed) N. G. Lewis.

TEXT BOOK of the Statutes of the Parliament of Tasmania, regulating the Celebration of Marriages by the Clergy (in Tasmania) of the respective Churches of England, Scotland, and Rome. R. Shirley Hales.

PREFACE.

THE object of this work is to supply a text book of the Acts of the Parliament of Tasmania which regulate the celebration of marriages, for the guidance of the clergymen of the Churches of England, Scotland, and Rome.

As Registrar for the Diocese of the Church of England, the writer has had to refer to the Acts continually to ascertain the numerous enactments for the guidance of clergy, and this digest was first prepared for the writer's use only ; but when prepared it appeared that it would be a convenient text book in the hands of the clergy themselves. The provisions of the Acts are precisely similar for the clergy of the above three Churches ; if, therefore, it is useful to one Church, it will be equally useful to the other two.

The writer has sought to condense as much as possible for the sake of simplicity, and has sought to give tersely sufficient of the substance of the Acts for the ordinary requirements of the clergy.

The writer has not relied upon his own labours in digesting the various enactments, provisos, and amendments, but has had the advantage of having the text revised by the Hon. R. J. Lucas, M.E.C., Barrister-at-Law, and Church Advocate of the Church of England in Tasmania.

Hobart, Tasmania, July 1891.

R. S. H.

I certify that I have perused this Text Book of the Statutes of the Parliament of Tasmania regulating the Celebration of Marriages by the Churches of England, Scotland, and Rome, and have carefully compared same with the said Statutes; and further certify that the Book is a complete transcript of the Statutes applicable to the said Churches.

(signed) *R. J. Lucas,*
Church Advocate.

2 Vict., No. 7.

Validates marriages. Clause I. Enacts that marriages celebrated by clergymen of the above Churches, if celebrated according to the usages and forms of these Churches, respectively, shall be deemed valid.

May marry in house, church, or chapel. And provides that any such marriage may be celebrated in a private house or in a church or chapel of either of the aforesaid Churches.

Banns And provides that where marriages solemnised after the publication of Banns, such publication shall take place on three distinct Sundays previously to the marriage, either immediately before the commencement or during the time of Divine Service, and when the congregation shall have assembled and be present.

Licenses. Clause II. Enacts that licenses to marry, without publication of Banns, may be issued by the proper authorities of the Churches of England and Rome, according to such laws for marriages to be celebrated agreeably to the forms and usages of the said Churches respectively. In the Church of Scotland the Moderator for the time being, or his appointee, may issue such licenses.

Consent. And provides that no license shall be issued in any case in which every person whose consent to any marriage would have been required by law in England prior to the month of August 1838, shall not have previously given his or her consent to such marriage.

[NOTE.—For whose consent is required see Appendix.]

May ask questions. Clause XXIV. Enacts that it shall be lawful for the clergyman to ask of the parties to be married the several particulars required to be registered touching such marriage.

Vexatious caveat. Clause XXV. Enacts that persons vexatiously entering caveat against the grant of any license, etc., on frivolous grounds, are liable to costs and damages.

Without consent punishable. Clause XXIX. Enacts that clergymen celebrating marriage without consent of parents or guardians, where either of the parties is under age, are liable to a penalty of 500*l*.

Limitation of prosecutions. Clause XXX. Enacts a limitation of prosecutions, viz.: that every prosecution under this Act must be commenced within the space of two years after the offence committed.

2 Vict., No. 8.

Minister must allow searches. Clause XVI. Enacts that every minister who shall have the keeping for the time being of any Register Book of Marriages shall at reasonable times allow searches to be made, and shall give certificates of any entries therein on payment of a fee of one shilling for every search extending over a period of not more than one year, and sixpence additional for every additional year, and the sum of two shillings and sixpence for every single certificate.

Search fee. Clause XVII. Enacts that every clergyman, after a marriage is solemnised by him, shall register in a book, to be kept for that purpose, the several particulars relating to such marriage, according to the form of schedule prescribed in this Act, and the entry shall be signed by the clergyman, and by the parties married, and by two witnesses, and the entries shall be made in order from the beginning to the end of such book. Neglect to register is punishable.

Clergy shall register. Clause XVII. Enacts that every clergyman, after a marriage is solemnised by him, shall register in a book, to be kept for that purpose, the several particulars relating to such marriage, according to the form of schedule prescribed in this Act, and the entry shall be signed by the clergyman, and by the parties married, and by two witnesses, and the entries shall be made in order from the beginning to the end of such book. Neglect to register is punishable.

SCHEDULE.

TASMANIA.

Marriages in the District of

No.	When married and where.	Name and Surname.	Age.	Rank.	Signature and Description of Parties.	Name of Offici- ating Minister.	When registered.	Signature of Officiating Minister.

Married in the Parish Church according to the Rites and Ceremonies of the United Church of England and Ireland by License [*or* after Banns] by Minister.

This Marriage was solemnised } In the presence }
between us } of us }

Clause XVIII. Enacts that every clergyman, before whom any marriage is solemnised, shall, in the months of April, July, October, and January, respectively, deliver to the Registrar-General a true copy of all entries of marriages in the Register Book kept by him since the last certificate, and if no marriage has been entered since the last certificate, then he shall certify the fact. Returns to Registrar-General.

Clause XXIV. Provides a penalty for omitting to register any marriage, or for carelessly losing or injuring a Register Book. Injuring registers.

Clause XXV. Provides a penalty for destroying or falsifying a Register Book or giving a false certificate. Falsifying same.

Clause XXVI. Provides that no person charged with the duty of registering a marriage, who shall discover any error to have been committed in the form or substance of any such entry, shall be liable for penalties if within one month next after the discovery of such error in the presence of the parties married, he shall make an entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and date it with the date of the correction, and shall make the like alteration in the certified copy, or if that has been despatched, he shall deliver to the Registrar a certified copy of the original erroneous entry and of the marginal correction therein made. How errors in register dealt with.

6 Vict., No. 12.

Clause III. Enacts that every clergyman before whom any marriage is solemnised shall, in the months of April, July, October, and January, respectively, deliver to the Registrar-General a true copy of all entries of marriages in the Register Book kept by him since the last certificate, and if no marriage has been entered since the last certificate, then he shall certify the fact, and he shall keep the Marriage Register Book safely. For default in all these matters a penalty of 25*l.* is provided. Returns to Registrar.

6 Vict., No. 18.

An Act Amending the Act 2 Vict., No. 7.

Clause II. Enacts that no marriage shall be celebrated without an affidavit by one of the parties about to be married that one of the parties hath for fifteen days immediately preceding the issue of the license, had his or her usual place of abode within the parish or district, as the case may require, and where either of the parties, not being a widower or widow, shall be under the age of twenty-one years, Affidavit as to residence and consent.

TASMANIA.

years, that the consent of the person whose consent to the marriage is required has been obtained.

Consent.

PROVIDED ALWAYS that if there be no person having authority to give such consent, then, upon affidavit made to that effect by the party requiring such license, it shall be lawful to grant such license.

Affidavits before surrogates.

Clause III. Enacts that affidavits must be made before a surrogate of the Bishop of the Church of England, or the Moderator of the Church of Scotland, or his appointees, or the Roman Catholic Vicar-General, or his appointees.

If caveat entered.

Clause IV. Enacts that if any caveat be entered against the grant of any license, such caveat being duly signed by, or on behalf of, the person entering the same, together with his place of abode and the ground of objection, no license shall be issued until the person duly authorised by law to issue such license, and with whom the caveat shall have been entered, shall have examined into the matter and be satisfied that it ought not to obstruct the grant of the license, or until the caveat is withdrawn by the person entering the same.

Licenses to specify building; if marriage in private house to specify clergyman.

Clause V. Enacts that every license shall specify the particular church, chapel, or private house in which the marriage is to be celebrated, and such marriage shall not be celebrated in any other place; and in case the same is intended to be celebrated in any private house, then the license shall also specify by name the clergyman by whom it is intended such marriage is to be solemnised, and it shall not be lawful for any other whomsoever to solemnise such marriage.

Licenses.

Clause VI. Enacts that no license granted by any ecclesiastical authority of the Church of England shall authorise any other than a minister of the Church of England to solemnise matrimony. And no license granted by the Moderator of the Presbytery of the Church of Scotland, or his appointee, shall authorise any other than a minister of the Church of Scotland to solemnise matrimony. And no license granted by any ecclesiastical authority of the Church of Rome shall authorise the solemnisation of matrimony by any other than a minister of the Church of Rome.

Affidavit that no impediment exists.

Clause VIII. Enacts that before any marriage, after publication or republication of Banns, and before any certificate shall be issued for solemnisation of marriage, one of the parties seeking to contract matrimony shall make and subscribe an affidavit that he or she believeth that there is no impediment of kindred or alliance, nor any other lawful cause, nor any suit commenced in any Ecclesiastical Court, to bar or hinder the proceeding of the said matrimony, and setting forth that one of the parties hath, for the space of fifteen days immediately preceding the third publication of Banns, had his or her usual place of abode within the parish or district, as the case may require, within which such marriage is to be solemnised, and where either of the parties, not being a widower or widow, shall be under the age of twenty-one years, that the consent of such person or persons whose consent to such marriage is required has been obtained; but in case there shall be no such person having authority to give such consent, then upon affidavit to that effect by one of the parties requiring to be married.—[NOTE.—See Appendix.]

Surrogate to require affidavit and to examine deponent.

Clause IX. Enacts that a surrogate shall have full power and authority to require an affidavit, and to swear the deponent to the truth thereof, and if he think necessary, to examine every deponent on oath as to particulars set forth in such affidavit, and, if necessary, such examination shall be reduced to writing, and signed by the deponent, and shall then be signed by the surrogate; and the custody of every such affidavit, affirmation, and examination shall belong to the person taking the same, and his successors in office.

False affidavits.

Clause X. Enacts that any person wilfully making false affidavits, or wilfully omitting to set forth any matter required by this Act, is guilty and liable for perjury.

Banns to be re-published.

Clause XI. Enacts that whenever a marriage shall not be had within three months after the complete publication of Banns, no minister shall celebrate the marriage until the Banns are re-published *de novo*, or unless by license. And

no

no minister shall celebrate the marriage unless he be the officiating minister of the church in which such Banns have been published, or unless it shall be certified to him in writing, under the hand of such officiating minister, that the Banns have been published duly, and that no just impediment has been shown why the parties should not be joined in matrimony.

Clause XII. Enacts that whenever a marriage shall not have been celebrated within three months after the grant of a license, marriage shall not be celebrated until a new license has been obtained, or unless Banns shall have been duly published. New licenses required.

Clause XIII. Enacts a penalty of 500*l.* for solemnising marriage, after publication of Banns only, without the necessary affidavits being made and subscribed to. Marrying without affidavits.

Clause XIV. Enacts that where a marriage is intended to be solemnised after publication of Banns, and there shall be no church to which either of the parties shall belong in either of the parishes in which either of such parties shall have had his or her usual place of residence, then it shall be lawful for the officiating minister of the parish nearest to the place of abode of either of the said parties in which there shall be a church to publish Banns and solemnise the marriage in such adjoining or nearest parish as aforesaid. Where no church exists.

Clause XV. Enacts that it shall only be lawful to solemnise matrimony between the hours of 8 a.m. and 4 p.m. Hours.

Clause XVI. Enacts that marrying out of prescribed hours, or without license or publication of Banns, shall be deemed a felony. Out of hours.

23 Vict., No. 11.

Clause X. Enacts that if any person whose consent to the marriage of a minor is incapable by reason of mental incapacity, or is not within the colony, then an affidavit to that effect must be made by the said minor, whereupon the aforesaid consent shall not be necessary. Consent, mental incapacity.

Clause XI. Provides that if the officiating minister before whom an affidavit is made, upon examination of the deponent, is not satisfied of the truth of any particulars set forth in the affidavit, he is authorised to refuse to grant a license or to solemnise marriage. Clergyman may refuse.

Clause XII. Enacts that every person who wilfully marries a person under twenty-one years of age, without having previously obtained such consent as is required by law, or who induces, or endeavours to induce, any minister to solemnise matrimony between parties, either of whom is under twenty-one years of age, without such consent, shall be guilty of misdemeanour, and liable to a fine and imprisonment for three years. Penalty for marrying a minor without consent.

37 Vict., No. 7.

Enacts that all marriages which have been heretofore or which shall be hereafter duly solemnised within Tasmania between any person and his deceased wife's sister are thereby made valid. Deceased wife's sister.

APPENDIX.

Extract from Chitty's Acts, 4th Edition, page 375, Vol. IV.

Clause XVI. Enacts that the father, if living, of any party under twenty-one years of age, such parties not being a widower or widow, or if the father shall be dead, the guardian or guardians of the person of the party so under age, lawfully appointed, or one of them, and in case there shall be no such guardian or guardians, then the mother of such party, if unmarried, and if there shall be no mother unmarried, then the guardian or guardians of the person appointed by the Court of Chancery (if any), or one of them, shall have authority to give consent to the marriage of such party, and such consent is hereby required for the marriage of such party so under age, unless there shall be no person authorised to give such consent. Consent required by law in England prior to 1833.

TASMANIA.

Idem.

Clause XVII. Enacts that in case the father or fathers of the parties to be married, or of one of them, so under age as aforesaid, shall be *non compos mentis*, or the guardian or guardians, mother or mothers, of any of them, whose consent is made necessary as aforesaid to the marriage of such party or parties, shall be *non compos mentis*, or in parts beyond the seas, or shall unreasonably, or from undue motives, refuse or withhold his, her, or their consent to a proper marriage, then it shall and may be lawful for any person desirous of marriage in any of the before-mentioned cases to apply by petition to the Lord Chancellor, Lord Keeper, or the Lords Commissioners of the Great Seal of Great Britain for the time being, Master of the Rolls, or Vice-Chancellor of England, who is and are respectively hereby empowered to proceed upon such petition in a summary way, and in case the marriage proposed shall upon examination appear to be proper, the said Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the time being, Master of the Rolls, or Vice-Chancellor, shall judicially declare the said to be so, and such judicial declaration shall be deemed and taken to be as good and effectual to all intents and purposes as if the father, guardian, or guardians, or mother of the person so petitioning, had consented to such marriage.

NEW SOUTH WALES.

NEW SOUTH WALES.

— No. 10. —

Sir *R. W. Duff* to the Marquess of Ripon.

(Received 23 April 1894.)

Government House, Sydney,
14 March 1894.

My Lord,

IN reply to your Lordship's Circular Despatch, of the 16th September last, I have the honour to forward, herewith, as requested by your Lordship, a Minute by the Attorney General, containing the desired particulars regarding the laws relating to marriage and divorce in force in this Colony.

I have, &c.
(signed) *R. W. Duff*.

Enclosure in No. 10.

MINUTE PAPER.

Re Circular from the Secretary of State for the Colonies asking for return giving outline of Law relating to Marriage and Divorce in force in New South Wales.

Marriage.

1. Age at which marriage may be contracted :—

There is nothing to invalidate the marriage of minors ; but the marriage of minors without the consent of the persons authorised to give that consent is made penal. (Section 19 of 19 Vict., No. 20, and 55 Vic. No. 34.)

2. The laws of prohibition :—

The degrees within which marriage may not be contracted are those in force in the United Kingdom at the time of the passing of 9 Geo. 4. c. 83, with the exception that a man may marry the sister of his deceased wife. (39 Vict., No. 20).

There are no other laws of prohibition.

3. Hours in which the ceremony can be performed :—

There is no legal restriction in this matter.

4. Fees

4. Fees charged :—

In the case of marriage celebrated by Ministers of Religion, no fees are prescribed by law. In the case of marriages before the Registrar or District Registrar the fee is one pound (£1).

Divorce.

1. Grounds upon which divorce may be obtained :

- (a.) Adultery of husband or wife. (36 Vict., No. 9, Section 22; 44 Vict., No. 31.)
- (b.) Rape, sodomy, or bestiality of husband. (36 Vict., No. 9, Section 22.)
- (c.) On the ground that respondent has without just cause or excuse wilfully deserted the petitioner, and without any such cause or excuse left him or her continuously so deserted during three years and upwards. (51 Vict., No. 15, Section 1, Sub-section 1.)
- (d.) A respondent in a suit for restitution of conjugal rights who fails to comply with the decree of the Court is deemed to have been guilty of desertion, and a divorce may be granted on the ground of desertion although the three years have not elapsed since the failure to comply with the decree. (36 Vict., No. 36.)
- (e.) On the ground that respondent has by continued habits of drunkenness during two years and upwards habitually left his wife without the means of support, or being the petitioner's wife has by such habits for a like period habitually neglected her domestic duties or rendered herself unfit to discharge them. (51 Vict., No. 15, Section 1, Sub-section 2.)
- (f.) On the ground that at the time of the presentation of the petition the respondent has been imprisoned for a period of not less than twelve months, and is still imprisoned under a commuted sentence for a capital crime, or under a sentence for seven years or upwards for some other crime, or, being a husband, has by reason of frequent convictions for crime left his wife habitually during two years and upwards without the means of support. (51 Vict., No. 15, Section 1, Sub-section 3.)
- (g.) On the ground that within six months previously the respondent has been convicted of having attempted to murder the petitioner, or on the ground that the respondent has repeatedly during that period assaulted and cruelly beaten the petitioner or otherwise during a period of two years been repeatedly guilty of cruelty towards her. (51 Vict., No. 15, Section 1, Sub-section 4.)

2. Cost of Divorce :—

- (a.) Undefended case (one witness) Court fees amount to 5*l.* 5*s.* Additional witnesses 6*s.* each.
- (b.) Defended cases (one witness) Court fees amount to 6*l.* 10*s.* Additional witnesses 6*s.* each.

(signed) Chas. G. Heydon,
Attorney General.

CAPE OF GOOD HOPE.

— No. 11. —

Sir *W. G. Cameron* to the Marquess of *Ripon*.

CAPE OF GOOD HOPE.

(Received 7 May 1894.)

Government House, Cape Town,
14 April 1894.

My Lord Marquess,

I HAVE the honour to enclose, for your Lordship's information in reference to your Lordship's Circular Despatch of the 16th September last, a copy of a Minute from Ministers on the subject of the Laws of Marriage and Divorce in this Colony.

I have, &c.

(signed) *W. G. Cameron*, General,
Administrator and High Commissioner.

Enclosure in No. 11.

From Ministers, Cape Town, to His Excellency the Governor, Cape Town.

(Minute.)

Prime Minister's Office, Cape Town,
10 April 1894.

IN acknowledging the Minute, dated the 13th October 1893, from His Excellency the Governor and High Commissioner, Ministers have the honour to transmit herewith memoranda drawn by Mr. Advocate Watermeyer regarding the Laws of Marriage and Divorce in this Colony.

(signed) *J. Gordon Sprigg*.

LAW OF MARRIAGE IN CAPE COLONY.

Age.

Males under the age of 14 years and females under the age of 12 years are prohibited from contracting marriage.

Minors under the age of 21 years are prohibited from contracting marriage without the consent of their parents or guardians.

The consent of both parents, if alive, is required, but if one be dead the consent of the survivor is sufficient. If both parents be dead the consent of the guardians is necessary. If both parents be dead and there be no guardians, or if the parents be insane, or otherwise incapable of giving consent, or if the parents or guardians unreasonably refuse their consent, the minor may apply to the Chief Justice of the Colony, and his order is sufficient.

In the case of a minor who has already been married and wishes to re-marry, no consent is required. In the recent case of *Johnson v. McIntyre* (3 Shield 426), the Chief Justice said that if the father, knowing of the intended marriage, takes no steps to prevent it, he must be deemed in law to have given a tacit consent, and, in the absence of fraud, the publication of banns is sufficient notice to the father.

But this does not apply to marriage by special licence. And in the case quoted the marriage was set aside on the ground that a licence had been obtained, and the ceremony had been performed without the knowledge or consent of the father. In case of elopements and clandestine marriages the husband loses all benefit from the community of property.

Relationship.

The prohibitions as to marriage between persons related by consanguinity or affinity are similar to those of the law of England, except for the modification introduced

introduced by Act 40 of 1892, the second section of which enacts as follows:— CAPE OF GOOD HOPE.
 “It shall be lawful for any widower to marry the sister of his deceased wife, provided such sister be not the widow of a deceased brother of such widower, or to marry any female related to him in any more remote degree of affinity than the sister of his deceased wife, save and except any ancestor of or descendant from such deceased wife.”

A prior existing marriage is a bar to a subsequent one as long as the parties to the first are alive, unless a divorce has been ordered by a competent Court. Second Marriages.

A widow seeking to re-marry must allow a sufficient time to elapse to determine whether she is pregnant.

Marriage is prohibited between a spouse who has committed adultery, and the adulterer or adulteress, as the case may be; and this even after the termination of the marriage by divorce, or by the death of the innocent party.

A widow or widower intending to re-marry must secure the fidei commissary inheritances, in his or her hands, of minor children of the first marriage.

The ceremony must be performed by a competent marriage officer.

Ceremony.

For this purpose “any minister of the Christian religion, ordained or otherwise set apart to the ministry of the Christian religion, according to the usage of the persuasion to which he may belong,” is a competent marriage officer; also every resident magistrate or assistant resident magistrate, is *ex officio* a marriage officer for his district; and the Governor may appoint special marriage officers for the purpose of solemnising the marriages of Jews and Mohammedans.

The ceremony must be preceded by the due publication of banns or a special licence must be obtained.

Banns are published either in church by the officiating clergyman reading the notice during the morning service on three successive Sundays, or by the magistrate, by reading the notice on three Court days and also affixing a written notice to some conspicuous place in or near the Court.

Banns.

A special licence to marry may be obtained from any resident magistrate on sworn declarations made by the intending spouses before any Justice of the Peace. Certain penalties are incurred by persons making false declarations for the purpose of obtaining a special licence.

Licence.

The marriage must be solemnised, if in church after publication of banns, between the hours of 8 a.m. and 4 p.m.; if by the magistrate in his Court house, between the hours of 9 a.m. and 12 p.m.; if by the magistrate in a private house, at any convenient time.

Hours.

But no time appears to be fixed for marriage by special licence. Further the Statute which fixes the hours above-named, mentions no penalty or disability attaching to marriages performed at other hours, but no marriage officer could be compelled to solemnize a marriage at other hours.

After the ceremony a duplicate register must be signed by the parties to the marriage, the witnesses, and the officiating marriage officer; one copy must be kept by the marriage officer and one forwarded to the Colonial Office to be there kept.

Register.

By Section 23 of the Marriage Order in Council, the fee for solemnising the marriage and transmitting the register to the Colonial Office is fixed at four shillings.

Fee.

But Section 24 provides that nothing contained in the preceding section shall prevent any clergyman “from receiving any fee heretofore customarily payable.”

THE LAW OF DIVORCE IN THE CAPE COLONY.

ACCORDING to the Roman Dutch Law divorce is granted for the following causes:—

1. Adultery.
2. Malicious desertion.
3. Commission of an unnatural crime, such as sodomy or bestiality.
4. Perpetual imprisonment.
5. Long absence.
6. Refusal of the marital privileges.

But with regard to causes 3, 4, 5, 6, the Court records of the Colony contain no instances of a divorce having been sought on any of these grounds, though in one case the refusal of the marital privileges was construed as a malicious desertion by the Supreme Court. It might be added that in a certain case a female married lunatic escaped and committed adultery, but the Court refused to grant a divorce and made the lunacy the excuse for the adultery. All these must, however, be considered, according to the law of the Colony, grounds for divorce.

But as far as the practice of the Colonial Courts is concerned, there are two grounds for which divorce is granted, viz., adultery and malicious desertion.

Adultery.

A single act of adultery on the part of either of the spouses, unless condoned by the other with full knowledge, entitles the injured party to obtain a divorce.

Malicious Desertion.

If either spouse deserts and refuses to cohabit with the other, the injured party may sue for and, upon proof of desertion, obtain an order for the restitution of his or her conjugal rights, and if the order for restitution is not complied with, may obtain a divorce.

It is not necessary that the desertion should be originally malicious; it is sufficient if the one party, being away unreasonably, refuses to return to or to receive the other. What length of absence amounts to desertion or what are reasonable grounds for refusing to return, are matters in the discretion of the Court granting the order, and must be judged of according to the circumstances of each particular case:

Under the present Rules of Court, the procedure in cases of malicious desertion is as follows:—

The plaintiff issues a summons and prays the Court for an order for the restitution of his or her conjugal rights, and adds a further prayer that on failure of compliance with the order for restitution a divorce should be granted. Upon proof of desertion the Court orders the defaulting party to return to his or her spouse on or before some date fixed by the Court, or to appear at some later date to show cause why a divorce should not be granted, this later date being called the return day of the order.

If the defendant does not return to or offer to receive his or her spouse on or before the date fixed, then the plaintiff files an affidavit of non-compliance with the order, and on the return day moves the Court for a divorce, and unless the defendant on such return day shows cause for such non-compliance a divorce is granted.

The Superior Courts only, viz., the Supreme Court, the Court of the Eastern districts, the High Court of Griqualand West, and the Circuit Courts have jurisdiction in cases of divorce.

Cost.

As to the cost of actions for divorce, it is very difficult to fix the amount by any general rules.

A large number of actions for divorce are brought in *forma pauperis* at little or no cost to the applicant. In order to sue in *forma pauperis* the applicant has to satisfy the Court that he or she is not possessed of 10*l.* beyond wearing apparel. But in the case of those who are not paupers it is very difficult to fix the cost of an action for divorce. The cost of a defended action must considerably exceed that of an undefended action, and the item of witnesses expenses must vary with each particular case. In a simple undefended action, where the parties reside within easy distance of the Court, the cost might be as low as 15*l.*

And this amount being taken as a minimum, the cost would increase to any amount according to the expense of summoning witnesses and engaging counsel, &c.

MARRIAGE LAW (FOREIGN COUNTRIES
AND COLONIES).
DIVORCE LAW (FOREIGN COUNTRIES
AND COLONIES).

RETURN giving an Outline of the Marriage Laws prevailing in the most important Foreign Countries and Colonies, especially the Ages at which Marriage can be contracted, the Laws of Prohibition, the Hours in which the Ceremony can be performed, and the Fees charged; and Return showing the State of the Law on Divorce in the most important Foreign Countries and Colonies, especially the grounds on which Divorce can be obtained, and the cost.

PART I.—COLONIES (EXCEPT CANADA).

(*Mr. Heniker Heaton.*)

*Ordered, by The House of Commons, to be Printed,
5 June 1894.*

[*Price 4½ d.*]

144. 145. *Under 4 oz.*

MISCELLANEOUS. No. 2 (1894).

REPORTS

ON THE

LAWS ON MARRIAGE AND DIVORCE

IN

FOREIGN COUNTRIES.

PART II.—FOREIGN COUNTRIES.

[Part I, containing Reports from the Colonies, has already been presented to the House of Commons by the Colonial Office.]

*Presented to the House of Lords by Command of Her Majesty.
June 1894.*

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Reports on the Laws on Marriage and Divorce in Foreign Countries.

PART II.—FOREIGN COUNTRIES.

[Part I, containing Reports from the Colonies, has already been presented to the House of Commons by the Colonial Office.]

Circulars addressed to Her Majesty's Representatives in the most important Foreign Countries.

My Lord,

Sir,

Foreign Office, September 16, 1893.

IN conformity with an Address of the House of Commons, I have to request you to furnish me, in a form suitable for presentation to Parliament, with a Return giving an outline of the Marriage Laws prevailing in the country or countries to the Government of which you are accredited, especially the ages at which marriage can be contracted, the laws of prohibition, the hours in which the ceremony can be performed, and the fees charged.

I am, &c.

(Signed) ROSEBERY.

My Lord,

Sir,

Foreign Office, September 16, 1893.

IN conformity with an Address of the House of Commons, I have to request you to furnish me, in a form suitable for presentation to Parliament, with a Return showing, with respect to the country or countries to the Government of which you are accredited, the state of the Law on Divorce, especially the grounds on which Divorce can be obtained, and the cost.

I am, &c.

(Signed) ROSEBERY.

Replies to preceding Circulars.

ARGENTINE REPUBLIC.

No. 1.

Mr. Pakenham to the Earl of Rosebery.—(Received December 12.)

My Lord,

Buenos Ayres, November 16, 1893.

IN accordance with the request contained in your Lordship's Circular despatch of the 16th September last, I have the honour to inclose herein a Memorandum, together with a copy and translation of the Marriage Laws at present in force in the Argentine Republic.

I have, &c.
(Signed) F. PAKENHAM.

Inclosure 1 in No. 1.

Memorandum on Marriage Laws in the Argentine Republic.

ALL marriages in the Argentine Republic must be performed in accordance with the Civil Marriage Law which came into force on the 1st December, 1889.

1. *Ages at which Marriage can be contracted.*—In accordance with this Law, the woman must be 12 years of age and the man 14, in order to be able to marry.

2. *Laws of Prohibition.*—The Law establishes the following legal impediments:—

(a.) Consanguinity between ascendants and descendants, without limitation, whether legitimate or illegitimate.

(b.) Consanguinity between brothers and sisters, and half-brothers and sisters, whether legitimate or illegitimate.

(c.) Affinity in the direct line in all degrees.

(d.) The man not being 14 or the woman 12 years of age.

(e.) The existence of a previous marriage.

(f.) Where one of the parties has been voluntarily the author of, or an accessory in, the death of the former husband or wife of the other.

(g.) Insanity.

A woman over 12 years of age but not 22, or a man over 14 but not 22, and the deaf and dumb who cannot write, cannot bind themselves in marriage without the consent of their legitimate father, or illegitimate if he has recognized them as his, or failing him, without their mother's consent, or that of their guardian, or the judicial consent or permission in the absence of the above mentioned.

A guardian or his children cannot marry minors under his guardianship. The violation of this disposition renders the guardian liable to criminal punishment and to the loss of his fees of administration. Minors who marry without the necessary permission lose the possession and management of their property while their minority lasts. If a man is 18 and the woman 15, the father, mother, &c., cannot withhold their consent without reason, and the only causes of denial recognized are the following:—

(a) The existence of any of the impediments above mentioned; (b) contagious disease of the person wishing to marry the minor; (c) his or her bad conduct or immorality; (d) if either have been condemned to any punishment representing more than a year's imprisonment; (e) want of means and inability of acquiring them.

Breach of Promise.—No action is allowed by the Argentine law on such a ground.

3. A marriage, in order that it may be valid, must be performed before the public official in charge of the civil register, in public; both parties appearing in the presence

of two witnesses. In case it should be impossible for one of the parties to appear at the Registry, the official will attend the marriage at the house of the above in the presence of four witnesses. The contracting parties are free, after performing the civil marriage, to carry out the religious ceremony in accordance with the rites of their respective Churches; but any religious ceremony previous to the civil act is prohibited, and the priest who performs it is liable to imprisonment for a term of from three months to one year.

The Registrar must receive the declaration of both parties that they accept one another as husband and wife, and in the name of the law he then declares them married. An act is drawn up in duplicate, stating the date of the marriage; names, ages, professions, domiciles, and birth-places of both parties; the names, professions, and nationalities of the parents of the above, if known; the name of the former husband or wife, if one of the contracting parties should be a widower or widow; the consent of the father or mother, guardians, or the judicial authorization when necessary; the publication of the marriage, and its date; the mention of any opposition, and its rejection; the declaration of the parties that they accept one another as husband and wife, and that the Registrar declared them married; the acknowledgment as legitimate of any illegitimate children that they should be desirous of recognizing; the names, ages, whether single or married, professions, and domiciles of witnesses; the declaration of the witnesses as to the identity of the parties, and that they consider them legally in a position to marry.

This act must be written and signed immediately by those taking part in the ceremony, others signing for those who are unable to do so.

4. *Hours at which the Ceremony can be performed.*—There are no special hours fixed by the Law, but in the bye-laws published for each province the official hours extend from 11 A.M. to 5 P.M. The Law provides that, in the case of one of the parties being in danger of death, the official Registrar, on the strength of a doctor's certificate, or the statement of two witnesses, is obliged to go immediately to the said person's house and perform the marriage.

5. *Fees.*—According to the Argentine law no fees are charged for the performance of marriages.

British Legation, Buenos Ayres, November 10, 1893.

Inclosure 2 in No. 1.

Argentine Marriage Law.

ARTICLE 1. The Civil Code is hereby modified in accordance and in agreement with the provisions contained in the following Articles:—

Section II.—*Of Personal Rights in connection with Family Relations.*

Chapter I.—*On Marriage.*

Art. 2. The validity of the marriage, in the absence of any of the impediments contained in paragraphs 1, 2, 3, 5, and 6 of Article 9, will be regulated in the Republic by the law of the place where the marriage was celebrated, although the contracting parties may have quitted their own domicile in order to escape from the laws and forms in force there.

Art. 3. The rights and duties of husband and wife are regulated by the laws of the Republic, so long as they remain here, no matter in what country the marriage was celebrated.

Art. 4. The marriage contract regulates the property of the husband and wife, whatever may be the laws of the country in which the marriage was celebrated.

Art 5. In the absence of any nuptial contract, or any change of domicile, on the part of the married couple, the law of the place where the marriage was celebrated regulates the movable property of the husband and wife wherever they may be, or in whatever manner acquired.

In the case of change of domicile, property acquired by the husband and wife previous to their change of abode is subject to the laws of the former domicile.

That acquired after the change is subject to the laws of the new domicile.

Art. 6. Landed property is regulated by the *lex loci rei sitæ*.

Art. 7. The dissolution in a foreign country of a marriage celebrated in the Argentine Republic, although in conformity with the laws of that country, but not in accordance with the provisions of this Code, does not enable either of the parties to marry again [as far as the law of the Argentine Republic is concerned].

Chapter II.—On *Betrothals*.

Art. 8. The Law does not recognize betrothals. No Tribunal will take into consideration any suit in such a case, or question of indemnity for damages caused thereby.

Chapter III.—*Laws of Prohibition*.

Art. 9. Impediments to marriage:—

1. Consanguinity between ascendants and descendants without limitation, whether legitimate or illegitimate.

2. Consanguinity between brothers and sisters and half brothers and sisters, legitimate or illegitimate.

3. Affinity in the direct line in all degrees.

4. The woman not being 12 and the man 14 years of age.

5. The existence of a previous marriage.

6. Where one of the parties has been voluntarily the author of, or the accomplice in, the death of the former husband or wife of the other.

7. Insanity.

In the cases of paragraphs 1 and 2, the proof of the parentage is subject to that ordained by the provisions of this Code.

Art. 10. A woman over 12 years of age and a man over 14, but minors, and the deaf and dumb who cannot write, cannot bind themselves in marriage without the consent of their legitimate father, or illegitimate if he has recognized them, or, failing him, without their mother's consent, or that of their guardian, or of the judicial consent or permission, in the absence of the above.

Art. 11. The Civil Judge will decide in cases of disagreement, either in private hearing or merely in consultation.

Art. 12. A guardian, or his descendants under his power, cannot marry minors under his guardianship so long as the latter lasts. The violation of this disposition renders the guardian liable to criminal punishment and to the loss of his fees of administration.

Art. 13. Minors who marry without the necessary permission lose the possession and management of their property while their minority lasts; there is no means of making good the required authorization.

Chapter IV.—*Consent to Marriage*.

Art. 14. For the validity of the marriage the consent of the two contracting parties must be declared before the public official in charge of the civil register.

Any marriage where any of these provisions are not fully complied with will be devoid of all civil effect, even though the parties may have acted in good faith.

Art. 15. The consent can be declared by proxy, but with a special power in which the person is clearly described with whom the proxy has to contract the marriage.

Art. 16. All violence, fraud, or error with regard to the identity of the individual, or of his civil character, vitiate the consent.

Chapter V.—*Proceedings previous to the Celebration of the Marriage*.

Art. 17. Those who may be desirous of marrying must present themselves before the public official in charge of the civil register, at the domicile of either one of the two parties, and verbally declare their intention, which will be duly recorded in an act signed by the public official, by each of the engaged couple, and by two witnesses; if the future couple are unable to sign any other person may sign for them at their request.

Art. 18. The act must contain—

1. The names and Christian names of those who wish to be married.
2. Their age.
3. Their nationality, residence, and place of their birth.
4. Their profession.
5. The names and Christian names of their parents, as well as nationality, profession, and domicile.
6. Whether either have been previously married, and, if so, the name and Christian name of the former husband or wife, the place where the marriage was celebrated, and the cause of its dissolution.

Art. 19. The betrothed couple must present at the same time—

1. A copy duly legalized of the sentence annulling any former marriage on the part of either one or both of the future couple, when necessary.
2. An authentic declaration on the part of those persons whose consent is required by law, should it not be made verbally at the time of the marriage, or the judicial authorization when necessary.

The parents, tutors, or guardians, when giving their consent before the public official, must sign the act of which mention is made in Article 17, and in the case they are unable to sign, any one of the witnesses may do so for them at their request.

3. Two witnesses are required who, from their knowledge of the contracting parties, can declare as to the identity of the above, and that they consider them capable of being married.

Chapter VI.—Opposition.

Art. 20. The impediments laid down in this Code can alone be alleged as motives of “opposition” to a marriage.

Opposition not based on the existence of one of these impediments shall be summarily rejected.

Art. 21. The right of opposing (barring) the celebration of matrimony on account of the impediments laid down in Article 9 lies with—

1. The husband or wife of the person who desires to contract a fresh marriage.
2. With the relations of either of the contracting parties within the fourth degree of consanguinity or affinity.
3. With the trustees or guardians.
4. With the Public Ministry which should make opposition thereto when aware of these impediments.

Art. 22. If the widow wishes to contract a marriage in contravention of the provisions of Article 93, the relations of the husband, in the line of succession, shall have the right of opposing such marriage.

Art. 23. The parents, guardians, and trustees can further oppose a marriage on the ground that their consent has not been given thereto.

Art. 24. The parents, guardians, and trustees should state the reasons of their opposition. However, the parents shall be exempt from this obligation when a boy of less than 18 years, or a girl of less than 15 years, is concerned, except in the case of the said parents being in enjoyment of the said minor's property.

Opposition can only be based on—

1. The existence of one of the impediments mentioned in Article 9.
2. The contagious disease from which the person desirous of marrying the said minor may be suffering.
3. The said person's irregular or immoral conduct.
4. The fact that such person should have been found guilty of robbery, criminal assault, fraud, or any other crime punishable with more than one year's imprisonment.
5. Want of means of subsistence, and of capacity for acquiring such means.

Art. 25. The opposition must be made before the public officer charged with the preliminary proceedings which precede the celebration of the marriage.

Art. 26. Such opposition can be made from the time when the said proceedings are begun till the celebration of the marriage.

Art. 27. The opposition shall be made verbally or in writing, stating—

1. The name, Christian name, age, position, profession, and residence of the opponent.
2. His (or her) relationship to one or other of the contracting parties.
3. The impediment on which his (or her) opposition is based.
4. The reasons owing to which he believes such impediment to exist.

5. If he has, or has not, documents to prove the existence of the said impediment and that which relates thereto.

When the opposition is made verbally the public officer shall draw up a detailed statement thereof which he and the opponent must sign, with two witnesses if the latter should be unable to sign owing to ignorance or otherwise. When the opposition is made in writing it shall be transcribed into the book of official documents with the same formalities.

Art. 28. If the opponent should be in possession of documents, he must present them when the opposition is made. If not in possession of them, he shall state the place where they are, and shall describe them if he has knowledge of them.

Art. 29. The opposition being formally made, the public officer who is to celebrate the marriage shall inform the parties to the said proposed marriage.

If either, or both of them, should agree to the said legal impediment, the public officer shall state the same in the document relating thereto, and shall not celebrate the marriage.

Art. 30. If the opposition should not be based on any legal impediments, the official before whom it is made shall summarily reject it, and shall record having done so.

Art. 31. If the parties to the proposed marriage do not acknowledge the existence of the impediment, they must state the same to the public officer within three days following the notification thereof. The latter shall record their refusal, and shall transmit to the Judge of the Civil Court ("Juez Letrado de lo Civil") a legalized copy of all the records on the subject, together with the documents presented, and shall suspend the celebration of the marriage.

Art. 32. The Civil Tribunal shall inquire into, and shall decide, the opposition in a summary sitting of the Court, and with right of summons. A legal copy of the decision shall thereupon be sent to the public officer.

Art. 33. The public officer shall not proceed to the celebration of the marriage until such time as the decision setting aside the opposition made thereto shall have reached the stage of a case judged and settled.

If the said decision should declare the existence of the impediment on which the opposition is based, the marriage cannot be celebrated. In the one case as in the other, the public officer shall note on the margin of the records of the opposition the part of the decision relating thereto.

Art. 34. If the opposition be rejected, the author thereof shall (in the case of his not being a relation in the ascendant line, or a representative of the Public Ministry) pay to the parties to the proposed marriage an indemnity which shall be carefully assessed by the Tribunal before which the case has been heard.

Art. 35. Any person may denounce the existence of any of the impediments established in Article 9 under pain of the penalties provided for cases of malicious denunciations.

Art. 36. Such denunciation being made in due form, the public officer shall transmit it to the Judge of the Civil Court, who shall show it to the Public Fiscal; the latter shall, within three days, either make opposition to the marriage or shall declare that such opposition is unfounded.

Chapter VII.

Art. 37. The marriage must be celebrated before the official charged with the Civil Registry, in his office, publicly, the bride and bridegroom or their proxies, in the case provided for in Article 15, appearing in person, in the presence of two witnesses, and with the formalities prescribed by this Law.

If either of the contracting parties should be unable to appear at the Registry office, the marriage may be celebrated at his (or her) residence.

Art. 38. If the marriage be celebrated in the Registry office, two witnesses must be present, and four witnesses if it is celebrated at the domicile of either of the contracting parties.

Art. 39. In celebrating the marriage the Public Registrar shall read to the contracting parties the Articles 50, 51, and 53 of this Law, and shall receive from each of them personally, and one after the other, the declaration that they respectively desire to take each other as husband and wife, and shall pronounce, in the name of the law, that they are united in matrimony.

The Public Registrar may not object to the contracting parties, after declaring their

consent before him, causing their union to be blessed in like manner by a minister of their religion.

If previous inquiries show, in the opinion of the Public Registrar, that the contracting parties are legally capable of marriage, he shall proceed at once to the celebration thereof, so that the whole may be included in one document, in which shall further be added—

1. The declaration of the contracting parties that they take each other as husband and wife, and the act of the public officer by which they are united in the name of the law.

2. The recognition which the contracting parties may make of illegitimate children, if such there be, which they legitimize by their marriage.

3. The name, appellation, age, rank, profession, and domicile of the witnesses of the act, if they are different from those who declare the capacity of the contracting parties to marry.

4. The citation of the power, with the date, place, and notary or public officer before which it may have been granted, in the case of the marriage being celebrated by means of proxies, which document, showing the authority therefor, shall be preserved in the archives of the office.

Art. 41. If, upon previous inquiry, it shall appear that the legal qualification of the contracting parties to marry is not proved, or if the marriage is opposed or denounced, the public officer shall adjourn the celebration until the legal qualification is proved, the opposition overcome, or the denunciation laid aside, consigning the same in a document of which he shall give a copy to the interested parties, if they ask for it, in order that they may apply to the Judge of the Civil Court.

Art. 42. In the case foreseen in the previous Article, the marriage certificate shall be made as a separate document from the previous inquiries, and the following shall be certified :—

1. The date of the document.

2. The name, surname, age, occupation, residence, and nationality of those who appear.

3. The name, surname, age, profession, occupation, and residence of their respective parents, if known.

4. The name and surname of the predeceased husband or wife, when one of the contracting parties has been previously married.

5. The consent of the parents, tutors, curators, or of the Deputy of the Judge in cases in which it is required.

6. Whether or not there was opposition, and whether such was rejected.

7. The declaration of the contracting parties that they take each other as husband and wife, and the act of the public officer by which they are united in the name of the law.

8. The recognition by the contracting parties of illegitimate children, if any, which they legitimize by their marriage.

9. The name, surname, age, rank, occupation, and residence of the witnesses.

10. The citation of the power, with specification of the date, place, and notary or public officer before whom such was granted, in case of the marriage being performed by means of proxies, which power shall be preserved in the archives of the registry office.

Art. 43. The marriage certificate shall be drawn up and signed immediately by all those who appear in it, or by others at the request of such who are ignorant or unable to sign it.

Art. 44. The declaration of the contracting parties that they take each other mutually as husband and wife cannot be subject to any limitation or condition whatsoever.

Art. 45. The Head of the Civil Registry shall deliver to the contracting parties a certified copy of the marriage certificate.

Art. 46. The public officer shall proceed to the celebration of the marriage, disregarding all or any of the formalities which should precede it, when it is justified by a doctor's certificate, and where such does not exist, on the declaration of two neighbours that one of the contracting parties is in danger of death, and that they declare themselves anxious to legitimize illegitimate children, and this must be noted in the certificate. When delay might be dangerous, marriage *in articulo mortis* may be celebrated before any judicial functionary, who shall draw up a certificate of the celebration, attesting the circumstances mentioned in paragraphs 1, 2, 3, 4, 5, 7, 8, 9, and 10 of Article 42, and shall hand it to the public officer charged with the Civil Registry in order that he may put it into form.

Art. 47. In the cases provided for in the preceding Article the marriage certificate shall be published during eight days by means of notices posted on the doors of the office.

Art. 48. All documents relating to the celebration of the marriage, with the exception of those provided for in Articles 32 and 36, relating to the substantiation or rejection of opposition thereto, shall be sent to the public officer, and shall be placed in books bound and leaved, without prejudice, however, to the other formalities which are required by the laws of the civil registry.

Art. 49. The copy of the certificate referred to in Article 45 shall be made on ordinary paper, and this copy, as well as all the documents for which stamped paper is not required, shall be given gratuitously, and no functionary may collect fees therefor.

Chapter VIII.—*Rights and Obligations of the Married Couple.*

Art. 50. The contracting parties are bound to be mutually faithful, but the infidelity of the one does not authorize the infidelity of the other. The one who breaks this obligation can be proceeded against by the other in the Divorce Courts, without prejudice to what is laid down on the subject by the Penal Code.

Art. 51. The husband is bound to live in the same house as his wife, and to give her all necessary assistance, and to perform all acts and actions which refer to her, paying the necessary judicial expenses, even in the case of her being accused of crime. If the husband fail to comply with these obligations, the wife has the right of demanding judicially that he should give her the necessary alimony and should pay the necessary expenses in the trials.

Art. 52. If there be no marriage contract, the husband is the legal administrator of all the property belonging to the married couple, including that of the wife; as well of that which they possessed at marriage as of that subsequently acquired by them in their own right.

Art. 53. The wife is bound to live with her husband wherever he may fix his residence. If she should not comply with this obligation, the husband may request the necessary legal authority, and will have the right of refusing her alimony. The Courts, on hearing the case, may exempt the wife from this obligation when its fulfilment might endanger her life.

Art. 54. The wife cannot go to law, in her own name or by attorney, without the special permission of her husband given in writing, with exception of the cases in which this Code assumes the authorization of the husband, or does not require it, or only requires a general authorization, or only a judicial authorization.

Art. 55. Neither can the wife, without the permission and authority of the husband, make any contract or break off any previous contract, nor acquire goods or shares by personal obligations or by money, nor alienate nor pledge her goods, nor contract any obligation whatsoever, nor remit any obligation in her favour.

Art. 56. It is presumed that the wife is authorized by her husband if she publicly exercises any profession or industry, such as directress of a college, schoolmistress, actress, &c., and in such cases it is understood that she is authorized by her husband for all acts or contracts relating to her profession or trade, if he has made no declaration, publicly announced, or intimated judicially to whomsoever has to contract with the wife.

The authority of the husband is also presumed in cash purchases made by the wife, and in purchases made on credit of objects destined for the ordinary consumption of the family.

Art. 57. The authority of the husband is not required in law-suits between him and his wife, nor for her to defend herself when accused of crime, nor for her to make her will or to revoke that already made by her, nor for the administration of her property when any has been reserved for her by the marriage contract.

Art. 58. The wife, the husband, &c., and the heirs of both can alone demand that the acts or obligations of the wife shall be declared null for want of her husband's permission.

Art. 59. It will be sufficient that the wife be merely authorized by the proper Court ("Juez de domicilio") when the husband is mad, or in an unknown place, in the cases provided for in Article 135 of this Code, as regards acts which married minors are not qualified to perform.

Art. 60. The Courts, on demand, can supply the husband's authority in his absence, or when he is prevented from giving it, and in the special cases foreseen by this Code.

Art. 61. The husband can revoke as he judges best the authority which he may have given to his wife; however, the revocation shall have no retrospective force to the prejudice of a third party.

Art. 62. The husband can ratify in general or in particular acts for which he has given no authority to his wife. The ratification can be tacit, shown by acts of the husband indicating his consent in an unequivocal manner.

Art. 63. The acts and contracts of the wife not authorized by the husband, or authorized by the Court against the will of the husband, shall implicate only her own goods, unless, in the first case, she should demand their rescission; but they shall not implicate the common estate nor the estate of the husband except as regards the profit which the common estate or the husband might have derived from such act.

Chapter IX.—*Divorce.*

Art. 64. The divorce sanctioned by this Code consists only in personal separation of the married couple without the dissolution of the bonds of matrimony.

Art. 65. In agreements of marriage the faculty of demanding divorce from the proper Courts cannot be renounced.

Art. 66. There is no divorce by mutual consent of the husband and wife. They shall not be held to be divorced without a verdict of the competent Court.

Art. 67. The causes of divorce are as follows:—

1. Adultery of the husband or wife.
2. Attempt by one of the parties on the life of the other, either personally or as an accomplice.
3. The instigation of one of the parties by the other to commit adultery or other crimes.
4. Cruelty.
5. Serious injuries. In estimating the gravity of the injury the Judge should take into consideration the education, social position, and other matters of fact which may be brought to his notice.
6. Ill-treatment, even if not serious, when it is so frequent as to render married life insupportable.
7. Wilful and malicious desertion.

Art. 68. On an action for divorce being brought, or before this is done in urgent cases, the Judge can, on demand, decree the personal separation of the husband and wife, and the disposal of the wife in a respectable house within the limits of his jurisdiction; he can also provide for the care of the children in concurrence with this Code, and the alimony which must be given to the wife and children so that they should not remain in the power of the father, as also the necessary expenses of the wife to bring the action for divorce.

Art. 69. If either of the parties be a minor, he or she cannot go to law either as plaintiff or as defendant without the assistance of a special curator, whom the party shall elect for this object alone, or, failing this, who shall be appointed by the Judge.

Art. 70. Every description of proof shall be admitted in this trial, excepting the confession or sworn statement of the husband and wife.

Art. 71. The action for divorce can be quashed and the effects of the divorce cease to operate when the parties have become reconciled after the acts which authorized the action, or caused the divorce. The law presumes reconciliation when the husband cohabits with the wife after having left their common residence. The reconciliation replaces everything in the position which existed previous to the divorce.

Chapter X.

Art. 72. When separated by a decree of divorce, each of the parties can fix his or her domicile or residence where he or she thinks fit, even if it be abroad. However, if the party have children under his or her care, they cannot be taken abroad without the permission of the Court of their domicile.

Art. 73. If the wife be of age, she can exercise all the acts of civil life.

Whichever of the parties be a minor shall remain subject to the provisions of this Code relating to emancipated minors.

Art. 74. If, during the trial of the action for divorce, the conduct of the husband should give cause to fear fraudulent intrigues, or dissipation of the property of the

marriage couple, the wife can request the Judge of the case that he should make an inventory of such property, and should place them under the care of an administrator, or that the husband should give a guarantee to the amount of such property. When sentence of divorce has been passed, the parties can demand the separation of their joint property with regard to what is laid down under the heading of "Relations of Husband and Wife as regards their joint property" ("sociedad conyugal").

Art. 75. The innocent party which has given no cause for divorce can revoke the donations or advantages which he or she may have made to the other party by the marriage contract, whether they were to have come into effect during the life of the party or after his or her death.

Art. 76. Children less than 5 years old shall remain under the care of the mother. Those over that age shall be handed over to the party who, in the opinion of the Judge, is most fitted to educate them, without the husband or the wife being able to allege a preferred claim to keep them.

Art. 77. If, owing to a criminal accusation brought by one of the parties against the other, there has been a condemnation to imprisonment, confinement, or banishment, none of the children, of whatever age, can go with the party who has to perform any of these penalties without the consent of the other party.

Art. 78. The father and mother remain subject to all the charges and obligations to which they are liable on account of their children, whichever of them may have given cause for the divorce.

Art. 79. The husband who may have given cause for divorce must continue to support the wife if she have not sufficient means of her own. The Judge shall decide the amount and manner in which this shall be done, with due regard to the circumstances of both parties.

Art. 80. Whichever of the parties may have given cause for divorce will have the right to require the other, if he or she be able to do so, to provide him or her with subsistence, if such be absolutely necessary.

Chapter XI.—*On the Dissolution of Marriage.*

Art. 81. A legal marriage can only be dissolved by the death of one of the contracting parties.

Art. 82. A marriage which can be dissolved in accordance with the laws of the country in which it was celebrated cannot be dissolved in the Argentine Republic except in accordance with the preceding Article.

Art. 83. The supposed decease of one of the contracting parties, either through absence or disappearance, will not enable the other to marry again. So long as the decease of one of the contracting parties, either through absence or disappearance, has not been absolutely proved, the marriage is not considered as dissolved.

Chapter XII.—*Annulment of Matrimony.*

Art. 84. A marriage is altogether void when celebrated with any of the impediments contained in paragraphs 1, 2, 3, 5, and 6 of Article 9, and its annulment can be demanded by the party who was ignorant of the impediment or by those persons who may have raised opposition to the celebration of the marriage.

Art. 85. A marriage can be annulled—

1. When celebrated with the impediment contained in paragraph 4 of Article 9.

The annulment of the marriage can be demanded by the husband when legally disqualified, or by those persons who, on his representation, may have opposed the marriage.

The annulment of the marriage cannot be demanded after the legally disqualified party or parties have arrived at the legal age, nor, whatever may be their age, when the wife has conceived.

2. When the marriage was celebrated with the impediment contained in paragraph 7 of Article 9.

Its annulment can be demanded by those persons who might have opposed the marriage.

The party not legally qualified can demand its annulment when he or she has recovered his or her reason if he or she has not continued to live in the marriage state, and the other party can also demand its annulment if he or she was in ignorance of such

disability at the time of the celebration of the marriage, and if he or she has not lived in the marriage state after the knowledge of such disability.

3. When either party suffers from one of the disqualifications referred to in Article 16.

In this case the annulment of the marriage can only be demanded by the party who has suffered from the error, deceit, or violence. This action cannot be taken by the husband if he has cohabited with his wife during three days, or by the wife if she has cohabited with her husband during thirty days, after the knowledge of the error, of the deceit, or since the occurrence of the act of violence.

4. In the case of absolute and manifest impotency of one of the parties previous to the celebration of the marriage.

In this case the right of taking action is exclusively in the hands of the other party.

Art. 86. The action for the annulment of a marriage can only take place during the life of both parties; either of the parties can, notwithstanding, at any time bring forward evidence against a second marriage being contracted by the other; if the nullity of the first marriage should be alleged, such allegation shall be taken into consideration.

Chapter XIII.—*Effects of the Annulment of Marriage.*

Art. 87. If the annulled marriage has been contracted in good faith by both parties, it will have the same effect, up to the date of its annulment, as a valid marriage would have had, not only as regards the parties themselves and their property, but also as regards the children.

In such case the annulment thereof will only have the following effects :—

1. As regards the parties, all the rights and obligations of marriage will cease, with the sole exception of the reciprocal obligation of providing for the means of life in case of necessity.

2. As regards property, the same consequences on the death of one of the parties; but before the death of one of them, the other will have no right to the advantages and benefits accorded to him or her in the marriage contract which he or she would have had as a survivor.

3. As regards the children conceived during the presumed marriage, they will be considered as legitimate, with the rights and obligations of the children of a valid marriage.

4. As regards the natural children conceived before the presumed marriage of the father and mother, and born after such marriage, they will be legitimate in the same cases as in a subsequent valid marriage.

Art. 88. If there has been good faith only on the part of one of the parties, the marriage, as regards the party who acted in good faith and the children, and not as regards the party who acted in bad faith, will have the same effects up to the day of the declaration of the sentence of annulment as a valid marriage.

The annulment in this case will have the following effects :—

1. The party who acted in bad faith cannot demand support from the party who acted in good faith.

2. The party who acted in bad faith will have no right to any of the advantages accorded to him or her in the marriage contract.

3. The party who acted in bad faith will have no jurisdictionary rights of the country over the children, but will still have the obligations of a parent.

Art. 89. If the annulled marriage was contracted in bad faith by both parties, it will not have any civil effect whatever.

The annulment thereof will have the following effects :—

1. The union will be considered as concubinage.

2. As regards property, it will be divided as in the case of a dissolution of partnership, the marriage contract not being taken into the consideration of the question.

3. As regards the children, they will be considered as illegitimate, and they will be classified according to the impediment which caused the annulment of the marriage.

Art. 90. "Bad faith" of the contracting parties consists in the knowledge which they had or ought to have had of the impediment, which caused the annulment of the marriage, at the time of the celebration thereof.

They cannot claim to have acted in good faith through ignorance of or misinterpretation of the law.

The ignorance or misinterpretation of a thing, to be deemed excusable, must be occasioned through fraud.

Art. 91. The party who acted in good faith can sue the party who acted in bad faith, and the other persons who have caused the misinterpretation, for damages and losses sustained.

Art. 92. In all the cases set forth in the foregoing Articles the annulment of the marriage will not affect the rights acquired by other persons who, in good faith, have contracted with the supposed husband and wife.

Chapter XIV.—*Second or further Marriages.*

Art. 93. A woman cannot marry again for ten months after a dissolved or annulled marriage unless she was left pregnant, in which case she may marry after having given birth to the child.

Art. 94. A woman marrying in contravention of the stipulations of the foregoing Article will lose the legacies and whatever other rights or benefits which her husband might have bequeathed to her in his testament.

Art. 95. The widow who has under her protection children under age, and who contracts matrimony, must request the Judge to name a guardian for them.

If she does not do so, all her property will be liable to be distrained upon for the amount of all losses resulting to the interests of her children.

Her husband will have the same obligation and responsibility.

Chapter XV.—*General Dispositions.*

Art. 96. Marriage celebrated anterior to the period of this Law coming into force shall be proved by the certificate, or copy thereof, of such marriage.

Art. 97. If it is impossible to produce the certificate or its copy, all other means of proof will be allowed, but these other proofs will not be permitted unless it is absolutely previously proved that such certificate or copy cannot be produced.

The stipulation of the foregoing Article will be applicable—

1. When the register has been partially or entirely lost or destroyed.
2. When the register is incomplete or irregularly written up.
3. When the certificate has been omitted by the public official.

Art. 99. The sentence which decides whether a certificate has been lost, destroyed, or omitted shall be communicated immediately to the public official, who shall copy it into a supplementary register which shall be kept with the formalities prescribed by Article 48.

Art. 100. When the destruction, falsification, or loss of a certificate of marriage is the cause of a criminal action, the sentence which declares the existence of such marriage shall be copied into the civil register, and shall supply the place of a certificate.

Art. 101. The reputation of being married ("posesion de estado") cannot be invoked by the (alleged) husband and wife, nor by third parties, as sufficient proof when it is a question of establishing the condition of matrimony, or of claiming the civil effects of marriage. When this reputation ("status") exists, and the certificate of the celebration of the marriage exists also, the inobservance of the prescribed formalities cannot be alleged against its validity.

Art. 102. The hearing and deciding of suits for divorce or annulment of marriage celebrated before or after this Law comes into force shall come within the jurisdiction of the Civil Courts.

Art. 103. When the action for the annulment of a marriage is founded on an impediment, and refers to a marriage celebrated previously to the time when this Law comes into force, the dispositions of this Law shall be applied; if the action is founded on defects of form, the Canonical Laws shall be applied.

Art. 104. Actions for divorce and annulment of marriage must take place in the locality where the parties reside. If the husband has no residence in the Republic, the action must take place before the Judge of the locality where he last resided in this country if the marriage was celebrated in the Republic.

Art. 105. Every sentence concerning divorce or annulment of marriage shall, immediately after it is passed, be communicated by the Judge who tried it to the public official in charge of the register in order that he may make a marginal note of the sentence against the certificate of the marriage, if such marriage was celebrated after this Law came into force, or in a special register if referring to a marriage contracted before it came into force.

Art. 106. The functions which this Law prescribes to be carried out by public officials shall, in the capital of the Republic and national territories, be discharged by the Chiefs of the Sections of the Civil Register ("Gefes de las Secciones del Registro del Estado Civil"), and, in the provinces where there may be a Civil Register, these functions shall be discharged by those persons who are appointed to keep it, and where there may be none, by the judicial authority of the district.

Art. 107. A public official marrying a minor without the consent of his or her parents guardians, or trustee ("curador"), or in defect thereof of the judicial power, shall be punished with from one to three years' imprisonment and loss of office, and the person who marries knowing that there exists an impediment which is liable to cause the annulment of such marriage shall be punished with imprisonment of from one to two years, and with a fine of from 100 to 500 dollars.

Art. 108. An official who contravenes any of the remaining dispositions of this present Law shall incur a fine of from 100 to 500 dollars.

Art. 109. The man or woman who has contracted marriage knowing of the existence of any of the impediments laid down in Article 9, and which may have caused the annulment of such marriage, will be liable for the losses and damaged interests sustained by the other party, but without prejudice to the criminal action which may be taken. If the actual damages cannot be fixed, the Judge shall assess the moral damages, in money, according to the circumstances of the case.

Art. 110. Ministers, pastors, or priests of any religion or sect who perform a religious marriage without first having seen the certificate of the celebration of the (civil) marriage shall be subject to the liabilities laid down in Article 147 of the Penal Code, and if they are in the enjoyment of a public office they shall be dismissed.

Art. 111. The application of the punishments provided for in the foregoing Articles shall be demanded of the competent Court by the Public Ministry.

Art. 112. All the dispositions of this Code relating to "sacrilegious" children are hereby annulled.* The children who up to now are termed "sacrilegious" shall have the affiliation which belongs to them under the civil dispositions remaining in force.

Art. 113. The public registers which must be created by the Municipalities in accordance with Article 80 of this Code shall be so created by the respective Legislatures.

Art. 114. Article 263 of this Code shall be altered as follows: "The legitimate affiliation shall be proved by the inscription of the birth in the civil register where it exists, and, in default of this, by the inscription in the parochial register and the inscription of the marriage in the civil register from the time this Law comes into force and in the parochial registers anterior thereto. In default of the inscription, or when the inscription in the registers has been made under false names or as of unknown parents, the legitimate affiliation may be proved by any other possible means of proof."

Art. 115. The widower or widow who, having children of a preceding marriage, marries again, is obliged to reserve to the children of the first marriage, or to their legitimate descendants, the property which he or she may have inherited under a will or from a person dying intestate, preserving to himself or herself the use of such property during his or her lifetime only.

Art. 116. The obligation of reserving such property shall cease if, at the death of the father or mother who has contracted a second marriage, children or their legitimate descendants do not exist, although their heirs may be living.

Chapter XVI.

Art. 117. This Law shall come into force from the 1st December, 1889.

Art. 118. This Law shall be incorporated in the first official edition which shall be made of the Civil Code in the place of Title 1, Section 2, Book 1, the enumeration of the Articles being arranged accordingly.

Art. 119. The Executive Power is authorized to pay the expenses of this Law from the general revenue, debiting the cost thereof to it.

Article 120. Communicate this to the Executive Power.

* Sacrilegious children are the children of persons sworn to celibacy.

No. 2.

Mr. Pakenham to the Earl of Rosebery.—(Received December 12.)

My Lord,

Buenos Ayres, November 10, 1893.

WITH reference to your Lordship's Circular despatch of the 16th September last, I have the honour to transmit herewith a Return showing the state of the law on divorce in the Argentine Republic.

The laws relative to this subject are contained in Chapters IX and X (Articles 64 to 80) of the Argentine Marriage Law, copy and translation of which I had the honour to forward to your Lordship in my previous despatch of this day's date.

I have, &c.

(Signed) F. PAKENHAM

Inclosure in No. 2.

Memorandum showing state of the Law on Divorce in the Argentine Republic.

(*Vide* Chapters IX and X of Argentine Marriage Law, Articles 64 to 80.)

DIVORCE, according to the Argentine Civil Marriage Code, does not imply the dissolution of the matrimonial bond, but only a separation *quoad mensam et thorum*. Consequently, either of the divorced persons is unable to marry again during the lifetime of the other.

Divorce must be decreed by competent Judge and founded on one or more of the causes as stated below. There is no divorce through mutual consent.

The grounds on which divorce can be requested and judicially granted are the following :—

1. Adultery of the husband or wife.
2. Attempt by one of the parties on the life of the other, either personally or as an accomplice.
3. The instigation of one of the parties by the other to commit adultery or other crimes.
4. Cruelty.
5. Serious injuries. In estimating the gravity of the injury the Judge should take into consideration the education, social position, and other circumstances appertaining to the case.
6. Ill-treatment, even if not serious, when it is so frequent as to render married life insupportable.
7. Wilful and malicious abandonment.

It is impossible to state the cost of obtaining a divorce. It can only be obtained judicially, and the costs therefore depend more or less on the difficulties of the case, its proof, duration, &c. Divorce in itself has no special cost, and is similar to any other legal case before a Court.

British Legation, Buenos Ayres, November 10, 1893.

AUSTRIA AND HUNGARY.

No. 3.

Sir E. Monson to the Earl of Rosebery.—(Received November 10.)

My Lord,

Vienna, November 7, 1893.

WITH reference to your Lordship's Circular despatch of the 16th September, I have the honour to transmit herewith a Report on the Marriage Laws of Austria by Mr. Rennie, and one on those of Hungary by Mr. Consul Brüll.

I have, &c.

(Signed) EDMUND MONSON.

Inclosure 1 in No. 3.

Memorandum on Marriage Laws in Austria.

THE Marriage Law in Austria is regulated in accordance to the creed to which the candidates for marriage profess themselves. With regard to Catholics, these stipulations, in consequence of the Concordat with the Papal See, were suspended during the period 1st January, 1857, to the 5th May, 1868, and the stipulations of the Imperial Patent of the 8th October, 1856, were substituted.

A so-called *Shift Civil Marriage* ("Noth Civil Ehe") exists exceptionally, and takes place if a priest or minister refuses to solemnize a marriage for any reason not acknowledged by the fundamental State laws. Civil marriage.

A Decree dated the 9th April, 1870, regulates marriages between parties who do not profess themselves of any creed ("Confessionslose"); the marriage then takes place before the Municipal authorities.

The ability to contract a marriage commences with the 14th year; until the 24th year, however, the necessary consent must be obtained. Age.

No person under age can marry without the consent of his or her father, or the guardian who represents him. Moreover, in addition to this, illegitimate children require the consent of the State authorities. A minor, *i.e.*, a person who has not attained the age of 24, of foreign nationality, wishing to marry and unable to produce the necessary consent, must produce a guardian to represent him, who can give or withhold his consent. Such a guardian must be selected from amongst the local officials within whose jurisdiction he resides. Consent in case of—
(a.) Minors.
(b.) Illegitimate children.
(c.) Foreign minors

Persons of military rank must obtain permission to marry from their superior officers. (d.) Soldiers.

Grounds for refusal of consent are want of pecuniary means, loose habits, or infectious diseases.

Permission to marry must not be obtained by fear of violence or threats.

Formal consent to marriage must be given in the presence of the priest or religious minister of one of the contracting parties, or of his representative, in the presence of two witnesses.

If a marriage is to be contracted between a Catholic and a non-Catholic party, consent must be formally given in the presence of two witnesses before the Catholic priest, but the non-Catholic religious minister may appear at the instance of the other party.

Madness, idiocy, or mental deficiency are impediments to marriage. *Physical impotence* is a hindrance if it can be shown to be lasting or incurable. A person undergoing a heavy criminal sentence can contract no legal marriage during the continuance of such sentence. A marriage cannot be legally contracted between two persons who have committed adultery with one another; the adultery must, however, have been proved before the marriage. A marriage is illegal if a murder of husband or wife has been committed in order that the parties may become free to marry. Priests and other persons who have taken the vow of *celibacy* can enter into no legal contract of marriage. No marriage may be contracted between *kindred* in the ascending or descending line, between full or half brothers and sisters, between uncles and nieces, or between aunts and nephews, even should the relationship be an illegitimate one. The same rule applies to similar relations by marriage. Marriages between *Christians and non-Christian* persons are illegal, except under circumstances mentioned below ("Noth Civil Ehe," Jews' marriages). Impediments.

Notice of intention to marry must be given, and the banns published three times on Sundays or holy days in the parish or parishes of the contracting parties. If the contracting parties are of a non-Catholic religion, the banns must be published both in the church or meeting-house of the contracting parties as well as in the Catholic church of the district they inhabit. Six weeks' residence is necessary for one of the parties previous to the celebration of the marriage in that parish. The marriage must be celebrated within six months after the publishing of the banns, after which date the banns must again be published. Banns, &c.

The marriage must be entered in the *register* by the officiating priest, minister, or rabbi, who acts as Registrar for the State, and the entry must give all details respecting the ages, addresses, position, and families of the contracting parties, together with the name of the officiating priest and two witnesses. Registration.

In the case of the marriage of "Confessionslose," the registration is performed and kept by the State authorities, or in towns possessing a Corporation by the Municipal authorities.

No *general register* of marriages exists, but a separate register recording banns and marriages is kept in each church where a marriage may be celebrated.

Dispensation. *Dispensation* from hindrances to marriages must be obtained from the provincial authorities, with appeal to the Ministry of the Interior.

Remarriage. If a previous marriage has been contracted, the cause or reason of the termination of the former contract must be properly shown before a second marriage can be entered upon.

Jewish marriages. Jewish marriages are exempted from the above regulations so far as religious principles are concerned, but the parties must obtain the *consent* of the local authorities to marry. The prohibition to marry among *blood relations* among Jews is confined to brother and sister, and to aunt and nephew or great-nephew. Among *relations by marriage* a man is not allowed to marry a relation of his wife in ascending or descending line, his late wife's sister, and correspondingly with the woman. The *banns* of marriage must be published in the synagogue in the same way as in the case of a Christian marriage. The *marriage* must be celebrated before two witnesses. The *registration* of the marriage is necessary, and subject to the same regulations as other marriages.

All other regulations must be carried out in the same way as in the case of Christian marriages.

Hours. There is no certain hour fixed for the solemnization of marriages; they usually take place in accordance with the customs of the place.

Cost. The surplice fees to be paid are very small, but, it being customary to make some display and to decorate the churches, &c., the expenditure may be greatly increased.

Catholic. The following are the lowest charges:—

	In Town.			In Country.		
	<i>s. d.</i>			<i>s. d.</i>		
Publishing the banns	1	0		1	0	
Solemnization of marriage—						
To the priest	2	6		1	3	
„ sacristan	0	8		0	4	
Each certificate	1	9		1	9	

Protestant. There are no fees; everything is done gratis, but donations are accepted.
Jewish. In Vienna, in the Grand Synagogue, the fees are as follows:—

Proclaiming banns, &c.				<i>s. d.</i>		
				4 6		
	Class 1.			Class 2.		
	<i>£ s. d.</i>			<i>£ s. d.</i>		
Solemnization of marriage	5	0	0	3	10	0
Illumination of synagogue	4	0	0	2	0	0
	9	0	0	5	10	0

Including remuneration to rabbi and chorus.

Inclosure 2 in No. 3.

Report giving an Outline of the principal Regulations regarding Marriage in force in Hungary.

THERE are no general laws or uniform rules regulating marriages in Hungary. Civil marriage not having been introduced in this country, parties who wish to contract a marriage must conform to the laws and regulations of the Church or confession to which they belong.

It is a general rule that, subject to the necessary conditions, everybody is at liberty to conclude a marriage; but in order to conclude a valid marriage certain requirements

must be complied with; the non-fulfilment of one or the other of these requirements constitutes an impediment to the proposed marriage (*impedimentum matrimonii*).

The impediments to marriage are of two different classes, and vary according to the laws of the different Churches :—

(a.) Prohibitive impediments (*impedimenta impediencia*), which are an obstacle to the proposed marriage, but if not respected do not invalidate the marriage.

(b.) Invalidating impediments (*impedimenta dirimentia*), which invalidate the marriage even in case of sexual intercourse and of the existence of children.

It is a general requirement that parties wishing to contract a marriage should neither be disabled by nature nor disqualified by law from doing so.

They must be in a position to decide for themselves of their own free will, and to declare their consent in a decisive form.

A marriage cannot be concluded under a “dissolutive” condition (*conditio dissolutiva*), nor can any conditions be stipulated which are contrary to the essential object of marriage. Other immoral, or physically or legally impossible conditions are deemed not to exist.

As regards the form of the solemnization of marriages in Hungary, it is generally required that they should be concluded in the church before witnesses.

In the case of the Catholic religion, the parties are bound, in order to conclude a valid marriage, to declare their consent in the church before the priest of the parish in which one of the parties is domiciled, and in the presence of two witnesses being present at the same place and time with the priest.

It is not essential for the validity of a Catholic marriage, but it is urgently required by the Statutes of the Council of Trent (a requirement adopted by the Church) that the marriage should be concluded in the church itself (*in facie ecclesiæ*), and besides being accompanied by certain ritual ceremonies, should receive the sacerdotal benediction.

It is similarly urgently required by the Statutes of the Council of Gran that marriages should if possible be solemnized in the forenoon, and not on fast days.

Parties wishing to have their marriage solemnized by a clergyman who is not the clergyman of either of the parishes to which they belong, before doing so must procure from their own clergyman a letter of authority (*dimissoriales*) authorizing the other clergyman to perform the marriage ceremony.

The above formalities are also required in order to secure the validity of Greek Catholic, Greek Oriental, and Protestant marriages in Hungary.

The formalities required for a valid Jewish marriage are as follows: the marriage must be solemnized by the rabbi or religious teacher of the parish to which one of the parties belongs in the presence of two witnesses. The rabbi or religious teacher can authorize the rabbi or religious teacher of another parish to solemnize a marriage.

Banns of Catholic and Protestant marriages must be published in the church on three consecutive Sundays or holidays by the clergyman of the parish to which the parties belong; and if they should be domiciled in different parishes, the banns must be published by the clergymen of both parishes.

Should a party not have been resident in a parish for at least six weeks, the banns must also be published in the church of the parish where the party was formerly resident for a period longer than six weeks.

Banns of Jewish marriages must be published on three consecutive Saturdays or holidays in the synagogue, and if there be no synagogue, in the religious community to which the parties belong. Should the parties belong to two different communities, the banns have to be published in both places. If the marriage be not concluded within six months after the publication of the banns, the publication must be repeated.

Banns of mixed marriages between Christians must be published by the priests of both parishes to which the parties belong. Should one of the priests decline to do so, the statement of two witnesses certifying this refusal is sufficient to allow that the banns be only published in the church of one of the parties.

In the Catholic Church dispensation from the publication of banns can, in important cases, be granted by the Bishop.

The omission of the publication of banns does not invalidate a Catholic marriage.

The non-publication of banns invalidates a Protestant marriage.

Dispensation from the publication in the Protestant church can, in important cases, be granted by the State authorities, provided that the parties make an affidavit as to their being ignorant of any impediment to their marriage.

The non-publication of the banns (without dispensation) also invalidates a Jewish marriage.

Dispensations in very important cases with regard to Jewish marriages are granted

by the State authorities, on the affidavit of the parties to the effect that they do not know of any lawful impediment to their proposed marriage.

I.

The following are the prohibitive impediments (*impedimenta prohibitiva*) in the Roman Catholic Church:—

1. Certain periods of time in the year (*sacratum tempus*) within which the solemnization of marriage is prohibited.

This also applies to Greek Catholics, Greek Orientals, and Protestants.

2. The prohibition ("*vetitum*") imposed by the Church authorities against the solemnization of a marriage on account of some impediment not having been sufficiently proved or removed.

To this sort of impediment also belong the prohibitions imposed by the laws and regulations of the State authorities, which must be respected by the Church. For instance, the obligation of military service.

These prohibitions also apply to the confessions other than Roman Catholics.

3. An engagement in force (*betrothal*) is an impediment to the conclusion of a marriage with a third person.

This impediment does not exist in the Protestant and Jewish Churches, whereas in the Greek Church this impediment is of invalidating character.

4. In the Roman Catholic Church the simple vow (*votum simplex*) made for virginal life on entering into a monastic order, or on taking a higher ecclesiastic degree, or the simple vow not to marry (*votum non nubendi*).

Dispensations from prohibitive impediments can be obtained from the Church or State authorities respectively, according to whether the prohibition is of ecclesiastic or temporal character.

II.

Invalidating impediments (*impedimenta dirimentia*) in all confessions:—

1. The want in one or the other of the parties of the necessary mental capacity to take a decision, or the absence of mental power requisite for granting consent to the marriage of his or her own free will.

2. *Impediment of Age*.—According to the decisions of the Council of Trent, in the Roman Catholic Church only those marriages contracted under the age of 14 years in the case of males, and under 12 years in the case of females, can be invalidated on account of age, whereas the marriages of other minors concluded without the consent of the father or guardian are only prohibited, but, if concluded, not invalidated.

This also applies to the Greek Church.

With Protestants marriages of minors are invalid if concluded without the consent of the father, grandfather, or guardian.

According to the Jewish rite the consent of the parent or guardian is necessary for the marriage of a minor, but the want of such consent does not invalidate the marriage.

The legislative measures of the State with regard to age are the following:—

A minor (under 24 years of age in the case of both sexes) must have the consent of the father or of his guardian, and in case of the male minor being under the age of 18 years, or the female minor under the age of 16 years, the father or the guardian must also procure the consent of the Board of Wards.

These, however, are only prohibitive measures which must be complied with by the parents, guardians, and Church authorities, but the question whether a marriage concluded against these prohibitive measures is valid or not can only be judged according to the laws and rules of the different Churches above mentioned.

3. *Impotence* ("*Impotentia coeundi seu perficiendi copulam carnalem*"), whether general or relative, is an impediment provided that it existed previous to the marriage, that it is constant and incurable, and, finally, that it is fully proved.

According to the rites of the Jews impotence is not an invalidating impediment, but only a cause for divorce.

4. *Error* in respect to the persons to be married, or in regard to his or her qualities, on which the consent to the conclusion of the marriage was based.

This is, however, not an invalidating impediment with Protestants, if the party in question, on discovering the error after the conclusion of the marriage, continues the

fulfilment of his conjugal duties, or, at least, peacefully continues common conjugal life during six months.

5. *Violence and fear* (" *Vis et metus* ").—If force has been used with success to induce a person to give his or her consent reluctantly.

If a person has been so terrorized as to be unable to act of his or her own free will.

6. *Conditions*.—If the consent for the conclusion of a marriage was conditionally given, and the conditions were subsequently incapable of fulfilment.

Conditional marriage with Roman Catholics can only be concluded by special licence to be given by the Bishop.

Some conditions are self-understood; for instance, with Protestants, if the husband finds that his wife is with child by another man, of which, however, he must at once, after the discovery, give notice to the Court, proving that he had no previous knowledge of this circumstance.

7. The existence of a valid marriage is an impediment to the conclusion of another marriage.

8. The fact of having taken a higher degree in the ecclesiastic hierarchy in the Catholic and Greek Churches, and (in the case of both sexes) of taking a solemn vow on entering a monastic order.

The marriages of priests of the Greek Catholic and Greek Oriental Church is not prohibited if concluded before their consecration. Their Bishops, however, are not allowed to marry, nor the monks of the Greek Oriental Church.

9. *Relationship*.—Intermarriage between persons in the direct ascendant-descendant lines is an invalidating impediment in all confessions.

Relationship (either legitimate or illegitimate) between collaterals up to the fourth degree (according to the computation of the canon law) is an invalidating impediment in the Catholic Church.

In the Protestant Church this impediment only extends to the second degree.

In the Greek Catholic and Greek Oriental Churches this impediment extends to the seventh degree, according to the computation of the Roman law, which, however, answers to the fourth degree of the canonic computation.

In the case of Jews, marriages are invalid between brother and sister, between the sister and the son or grandson of her brother or sister.

10. "*Cognatio Spiritualis*."—In the Roman Catholic Church marriages are invalid between those who are in spiritual relationship, viz., between the person who performs the ceremony of baptism or confirmation, and those baptized or confirmed, or the parents of the latter, as well as between the godparents and the baptized and the parents of the latter.

In the Greek Catholic and Greek Oriental Church this impediment is also extended to marriages between the children of the godfather or godmother and the children or brothers or sisters of the baptized.

This impediment is not known in the Protestant Church.

11. *Affinity* ("*Affinitas*") is an invalidating impediment in the ascending and descending line to any degree.

In the Catholic Church affinity in the case of legitimate collaterals is an impediment up to the fourth degree, and with illegitimate collaterals up to the second degree.

In the Protestant religion affinity is only an impediment in the case of legitimate collaterals up to the second degree.

The Greek Oriental Church also admits only the legitimate affinity as an impediment, and limits it to collaterals up to the seventh degree (Roman law), equal to the fourth degree in the canonic computation.

In the case of the Jews a husband is prohibited, after the dissolution of his marriage, from marrying any lineal ascendant or descendant or the sister of his wife. The wife is likewise prohibited from marrying any ascendant or descendant of her husband, or the brother of her husband, or the son or grandson of the brother or sister of her husband.

12. "*Impedimentum publicæ honestatis*."—In the Catholic Church marriages are void between the person betrothed and the relatives up to the first degree of the person with whom he or she was betrothed.

After a valid marriage which has not been consummated, the one party cannot marry the relatives of the other party up to the fourth degree in the Catholic and Greek Oriental Church.

This impediment is not known with the Protestants.

13. *Crime*.—(a.) In the Catholic Church, in the case of a valid marriage, adultery is an impediment between the parties who, when committing it, were aware of the forbidden character of the same and promised marriage to each other in the event of the

death of the innocent consort, or if one of the parties has, even without the knowledge of the other, successfully made an attempt against the life of the innocent consort.

This impediment is also in force in the Greek Oriental and the Protestant Churches, even if the previous mutual promise for marriage, or the attempt against the life of the innocent consort, has not taken place, provided that the fact has been proved in Court before the conclusion of the marriage.

(b.) In the Catholic Church the murder of a husband or wife by a third party, if not accompanied by adultery, is an invalidating impediment to the marriage of the murderer with the surviving consort only if the murderer acted with the knowledge of the surviving consort and the latter has co-operated in the perpetration of the murder, even though the intention of marriage only existed in one of the criminal parties.

In the Protestant and Greek Oriental Church the murder is an invalidating impediment, even if the consort whom the murderer intended to marry had no knowledge of the intended murder.

14. "*Raptus*."—Elopement with a woman by force, with the intention of marriage, to a place where she is in the power of the man, and retention for the purpose of marriage, forms an impediment until the woman is liberated from the power of the man and declares of her own free will her consent to the marriage.

15. "*Cultus disparitas*" (i.e., *Difference of Religious Faith*).—Marriages are void between Christians and non-Christians.

16. "*Clandestinitas*."—Void are clandestine marriages, viz., marriages concluded without the observation of the formal requirements above mentioned.

Marriages in the Catholic Church can by special licence be concluded through procuration.

Mixed marriages can take place between parties belonging to different Christian confessions. These marriages can be solemnized in the church of either of the parties.

Male issue of such mixed marriages follows the religion of the father, and female issue the religion of the mother.

Dispensations in the Catholic Church from prohibitive impediments can be obtained both from the Church and State authorities respectively, according to whether the prohibition is imposed by the Church or the State.

From invalidating impediments it is only the Church which can grant dispensation.

No dispensation can be obtained, even from the Church, from impediments of Divine character; for instance, from the impediment of an already existing valid marriage, or from the impediment of relationship in direct line, or between collaterals in the first degree.

Dispensations from impediments in the Greek Oriental Church are granted by the Church authorities, whereas in the Protestant Church, and also in case of Jews, by the State authorities.

The marriage fees to be paid in Hungary differ not only in the various Churches, but also in the different parishes belonging to one and the same Church.

In the Protestant Church the fee varies from 30 kreutzers (6d.) to 6 to 8 florins (10s. to 13s.).

This is also the case in the Catholic Church.

No. 4.

Sir E. Monson to the Earl of Rosebery.—(Received November 10.)

My Lord,

Vienna, November 7, 1893.

WITH reference to your Lordship's Circular despatch of the 16th September, I have the honour to transmit herewith a Report on the Divorce Laws of Austria by Mr. Rennie, and one on those of Hungary by Mr. Consul Brüll.

I have, &c.

(Signed) EDMUND MONSON.

Inclosure 1 in No. 4.

Memorandum on Divorce Laws in Austria.

THE Austrian law declares marriages between Catholics to be *indissoluble* except by death, and this even if *one* only of the parties married belonged at the time of marriage to the Catholic creed. A marriage cannot therefore be dissolved by the parties or one of the parties married subsequently becoming Protestant or Jew.

For Catholics, therefore, there exists only a so-called *separation from bed and table*, which is a cancelment of the obligation to live in common and to comply with conjugal duties, but does not involve a rupture of the marriage bonds. Separation.

Reasons for separation are adultery, condemnation for crime, wilful desertion, immoral habits, infectious diseases, ill-treatment, threats, or serious vexations. Reasons for.

The parish priest is to use his good offices to avoid a separation of the parties concerned, and, in the event of his efforts proving to be of no avail, has to give a certificate to that effect. The matter then comes before the Law Court of First Instance in the district in which the parties live, and a separation is sanctioned and decreed. The Austrian Law Courts do not hold themselves competent to issue decrees of separation or divorce between foreigners residing in the country who have been married abroad. Procedure to obtain

It is the duty of the Law Court to see that, in case of the separation of the parents being decreed, the children who are the fruit of the marriage are provided for. Care of children.

Persons under age or under guardianship must have the consent of their parents or guardians in order to obtain a separation. Minors.

Parties who have been separated are allowed to reunite, but the fact must be brought to the notice of the Court which decreed the separation. Reuniting of separated persons.

For *non-Catholics* (i.e., Protestants, Jews, &c.), besides separation there exists *complete divorce*. In this case the marriage ceases, and both parties obtain complete liberty. Divorce.

Among Protestants the same reasons exist for divorce as among Catholics for separation, but divorce is also permitted, after separation has been tried and found useless, on the ground of "unconquerable aversion" of the parties for each other. Reasons for.

Actions for divorce, like actions for separation, come under the cognizance of Law Courts of First Instance. Procedure.

Divorced parties may be reunited, but the marriage is considered as a new one, and must be attended by all the ordinary formalities. Remarriage

The Jewish marriage can be dissolved by mutual consent by the husband giving the wife a *bill of divorce*. Besides this, the husband is entitled to dismiss his wife against her will if a charge of adultery can be proved against her. A *separation* is permitted among Jews subject to the above-mentioned general regulations; and it is the duty of the rabbi to use his good offices to avoid both separation and divorce. Jewish divorce.

The fact of separation and divorce must be notified to the authorities in the same way as in the case of Catholics or Protestants. Separation.

Actions of separation and divorce are, as a rule, carried through by legal attorneys (solicitors). There is no fixed rate of costs; if both parties are agreed, the procedure is simple and inexpensive, but, if not, it is attended by considerable expense. Cost.

Inclosure 2 in No. 4.

*Outline of the principal Regulations regarding Divorce in Hungary.**I.—Catholics.*

MARRIAGES of Roman Catholics are ruled by the Canon Law, according to the doctrines of which a valid marriage which has been consummated cannot be dissolved except by death.

The Church makes exceptions with regard to marriages which have not been consummated, which can, in important cases, be dissolved by the Pope, and also the marriages of non-Christians, which can be dissolved if one of the parties embraces Christianity and the non-Christian consort declines to continue conjugal life,

Except the cases just mentioned, the Catholic Church only admits separation (*separatio a thoro et mensâ*) which, however, does not permit of the parties remarrying.

Final separation is only admitted in case of adultery.

In all other cases the separation is only temporary, and is accorded for a limited or for an undefined period. This is especially the case if the continuation of common conjugal life should prove detrimental to one or the other consort; for instance, if one of the consorts ceases to be a Christian, or induces his consort to commit a crime, or on account of ill-treatment, abandonment, or for other important reasons, according to the judgment of the Ecclesiastical Court.

Cases regarding the validity of marriage, or the final and temporary separation, belong to the jurisdiction of the Ecclesiastical Court.

All other questions connected with such cases, such as the maintenance of the children and the questions of the mutual claims of the parties, belong to the competency of the Civil Courts.

II.—Greek Orientals.

The following are the principal grounds on which divorce can be obtained :—

High treason, solemn vow or entering into a monastic order, abandonment, cruelty, conspiracy against the life of the consort, adultery, immoral life, unfounded accusation of the wife of adultery, irreconcilable hatred, causing miscarriage, impotence.

Separation (*a mensâ et thoro*) is not known in the Greek Oriental Church.

Cases of divorce are judged by the Ecclesiastical Courts.

Questions connected with cases of divorce, such as the question of the maintenance of the children, and of the mutual claims of the consort, belong to the jurisdiction of the Civil Courts.

III.—Protestants.

Divorce can be obtained on the following grounds :—

1. If the consort attempts the life of the other (*quo unus conjugum alterius vitam insidiatus fuisset*).

2. Adultery.

3. Abandonment (*malitiosa derelictio*).

4. Insuperable aversion, if both parties request the divorce.

According to the practice of the Law Courts, divorce is granted on the ground of insuperable aversion, even at the request of one of the parties in spite of the contradiction of the other, provided that it is evident that the aversion also exists on the part of the defendant, and that his allegation to wish to maintain the marriage is evidently not a sincere one.

Temporary separation can be obtained on the ground of ill-treatment, of inducement to immoral life, and on the mutual agreement of both consorts.

Cases regarding the question of validity of marriages, of divorce and separation, as well as all questions connected therewith, are subject in Hungary proper to the jurisdiction of the Civil Tribunals.

IV.—Jews.

Divorce can be obtained on the following grounds :—

1. On the agreement of both consorts.

2. Adultery.

3. If one of the consorts embraces Christianity, and the other party declines to do so, and to continue conjugal life.

4. If one of the consorts has been found guilty of having committed a crime.

5. Abandonment.

6. Irregular or immoral life.

7. Attempts on the life or health of the consort.

8. Ill-treatment.

9. Continuation of contagious disease.

Cases concerning the marriage of Jews belong to the competency of the Civil Courts of Justice.

V.—Mixed Marriages.

Actions to be instituted for the declaration of the invalidity of a mixed marriage, or for divorce or final or temporary separation of the consorts of different religion, must be submitted to the competent Court of the defendant, which must *ex officio* transmit the final Judgment within thirty days to the competent Court of the plaintiff, which will then issue Judgment with regard to the plaintiff.

Each party is only bound by the Judgment of his own competent Court.

In the case of a marriage between parties belonging to the same religion, if one of the parties subsequently changes his religion, the marriage will be looked upon as a mixed marriage, and the laws regulating divorce in mixed marriages will become applicable.

There is no law regulating the costs of divorce.

BAVARIA AND WURTEMBERG.

No. 5.

Mr. Drummond to the Earl of Rosebery.—(Received November 11.)

My Lord,

Munich, November 8, 1893.

IN accordance with the request contained in your Lordship's Circular despatch of the 16th September last, I have the honour to transmit, herewith inclosed, a Return, for presentation to Parliament, giving an outline of the Marriage Laws in Bavaria and Würtemberg, the ages at which marriage can be contracted, the laws of prohibition, and the fees charged.

I have, &c.

(Signed) VICTOR DRUMMOND.

Inclosure in No. 5.

Outline of the Marriage Laws in the Kingdoms of Bavaria and Würtemberg.

THE Marriage Laws in the Kingdoms of Bavaria and Würtemberg are based on the German Imperial Law of the 6th February, 1875. The authorities who carry out these laws come under the jurisdiction of the Ministers of Justice and of the Interior. Civil marriage is obligatory, and must take place before the Registrar. Marriage Laws.
Jurisdiction.
Civil marriage
obligatory.

In order to contract a marriage both parties must be of marriageable age; the marriageable age of the male sex is the completion of the 20th year, and, in the case of the female sex, at the completion of the 16th year, but the consent of the parents is necessary if the bridegroom has not finished his 25th year, or the bride her 24th year. Marriageable ag
Consent of paren

Marriage is forbidden—

1. Between relations in the ascending and descending line, between brothers and sisters, between half-brothers and half-sisters. Cases where mar
is forbidden.
2. Between step-parents and step-children, parents-in-law, and children-in-law of every degree.
3. Between persons one of whom has adopted the other, so long as this legal relation exists.
4. Between a person divorced on account of adultery and the co-respondent in the case.

From the last-mentioned obstacle to marriage, adultery, dispensation is admissible, the power to grant which rests with the King.

5. Marriage of a ward with the guardian, or with the children of the latter, during the period of the guardianship.

6. Bigamy.

7. Widows cannot marry until the end of the tenth month of their widowhood.

With regard to the hours at which the act of marriage shall be consummated there exists no provision in the Imperial Law.

The registering officials establish in advance certain business hours during which they are to be present in the office on week-days: in Würtemberg both forenoon and afternoon; in Bavaria only forenoon.

These business hours must be posted at the entrance to the office.

As regards the legal fees, the marriage ceremony itself is performed free of charge, as also the making out of the official documents.

Fees, however, are charged for the copies of marriage certificates, and for inspecting or taking extracts from the register. These fees are fixed by the Imperial Law in civil cases at 50 pfennige (6d.).

The principle, however, that the marriage ceremony shall be performed without charge does not apply to actual cash outlays on the part of the officials, especially for postage.

Dispensation from the marriageable age, for adultery, and for widows who cannot remarry before ten months of their widowhood is accomplished, can only be granted by the King, and in Bavaria, in the last case, by the Ministry of Justice.

Dispensation from the time of posting the banns, ten to fourteen days, according to the time determined upon by the registering officials, can be granted by the Supreme District Courts.

For dispensation from the marriageable age, and from the time of posting the banns, and from the waiting time of widows, fees of from 40 to 200 marks (2l. to 10l.) are charged.

For dispensation for the marriage of persons divorced for adultery, and co-respondents, 50 to 500 marks (2l. 10s. to 25l.).

If the petition for dispensation is refused, only one-half is charged; if it is withdrawn before Judgment is given, one-tenth.

No. 6.

Mr. Drummond to the Earl of Rosebery.—(Received November 11.)

My Lord,

Munich, November 2, 1893.

IN accordance with the request contained in your Lordship's Circular despatch of the 16th September last, I have the honour to transmit, herewith inclosed, a Return, for presentation to Parliament, showing, with respect to Bavaria and Würtemberg, the state of the law on divorce, especially the grounds on which divorce can be obtained, and the cost.

I have, &c.

(Signed) VICTOR DRUMMOND.

Inclosure in No. 6.

Outline of the Divorce Laws in Bavaria and Würtemberg.

DIVORCE may be obtained on the grounds of—

1. Adultery.

2. Malicious desertion, that is, when without sufficient reason at law one party deserts the other, with the intention of thus dissolving the marriage, and when the deserter is beyond the jurisdiction of the home Courts, in which case the desertion is presumed to be intentional if the deserter remains away two years.

3. So-called quasi-desertion, or local desertion, that is, on account of the persistent refusal of one of the parties to continue the marriage, whereby it is presupposed that complaint has been entered by the other party, and when, upon the ground of the said complaint, the guilty party has been ordered by the Court to resume married life, and

the said party, for at least a year after the taking effect of the order, has still refused to comply with the order.

4. Misdemeanour.

Misdemeanour.

(a.) If one party, on account of a crime in which the other party was not an accomplice, has been condemned to imprisonment for a term of not less than ten years.

(b.) If one party has made an attempt upon the life of the other party, or of a child of the same.

5. Finally, a temporary separation from bed and board for a definite time may be granted for "marked enmity, dislike, and aversion"; if, after the separation has taken place, during this time the Court, upon a repetition of the complaint on the part of the ill-treated party, become convinced that, on account of the abuse of the latter by the other party, serious danger to the person of said party is to be feared in case the two continue to live together, or if, for similar reasons, it seems certain that said party will be continually exposed to bad, negligent, and unconjugal treatment at the hand of the other party: then, upon the complaint of the unoffending party, instead of further temporary separation, an absolute divorce may be decreed.

Marked enmity and aversion.

In the case of marriages between Catholics, the absolute divorce can be granted, according to the civil law, only for adultery.

Divorce between Catholics.

In the case of mixed marriages, however, the above-described principles of the Marriage Law apply; while, if both parties are of the Israelitish confession, the Israelitish Marriage Law is to apply.

Divorce in cases of mixed marriages. Israelites, divorce of.

With reference to costs of the divorce, the following statement may be made: Divorce cases are, according to the provisions of the sixth book of the Imperial Order of Procedure in Civil Cases, subject to the decision of the ordinary Court.

Costs of divorce cases decided by the ordinary Courts.

For estimating the value of the suit in divorce cases, paragraph 10 of the Imperial Law of Legal Costs comes into consideration, according to which, in the case of claims not coming under the laws of property, the value of the matter in controversy shall be reckoned at 2,000 marks—in exceptional cases more or less—but in no case under 200 marks (100*l.*) or over 50,000 marks (2,500*l.*).

Estimation of value of suits in divorce cases.

The estimation of the legal costs follows, then, according to the provision in connection with paragraph 8 of the Imperial Law of Legal Costs, which are shown in the following tabulated list:—

Estimation of legal costs.

				Mk. pf.	£ s. d.
1.	Up to 20 marks		..	1 00	0 1 0
2.	More than 20 to 60 marks	..	..	2 40	0 2 5
3.	" 60 " 120 "	..	..	4 60	0 4 7½
4.	" 120 " 200 "	..	..	7 50	0 7 6
5.	" 200 " 300 "	..	..	11 00	0 11 0
6.	" 300 " 450 "	..	..	15 00	0 15 0
7.	" 450 " 650 "	..	..	20 00	1 0 0
8.	" 650 " 900 "	..	..	26 00	1 6 0
9.	" 900 " 1,200 "	..	..	32 00	1 12 0
10.	" 1,200 " 1,600 "	..	..	38 00	1 18 0
11.	" 1,600 " 2,100 "	..	..	44 00	2 4 0
12.	" 2,100 " 2,700 "	..	..	50 00	2 10 0
13.	" 2,700 " 3,400 "	..	..	56 00	2 16 0
14.	" 3,400 " 4,300 "	..	..	62 00	3 2 0
15.	" 4,300 " 5,400 "	..	..	68 00	3 8 0
16.	" 5,400 " 6,700 "	..	..	74 00	3 14 0
17.	" 6,700 " 8,200 "	..	..	81 00	4 1 0
18.	" 8,200 " 10,000 "	..	..	90 00	4 10 0

On every 2,000 marks additional 10 marks is charged.

BELGIUM.

No. 7.

Sir F. Plunkett to the Earl of Rosebery.—(Received December 18.)

My Lord,

Brussels, December 16, 1893.

I HAVE the honour to forward herewith a Report on the Marriage Laws of Belgium, which has been drawn up by Mr. Leech, Third Secretary in this Legation, to furnish the information demanded by your Lordship's Circular despatch of the 16th September last.

I have, &c.

(Signed) F. R. PLUNKETT.

Inclosure in No. 7.

Report on the Belgian Marriage Laws.

THE Marriage Laws prevailing in Belgium are contained in Articles 144-228 of the "Code Napoléon," and were promulgated on the 27th March, 1803, and on the 22nd March, 1804.

Certain modifications and changes have taken place since the above dates, and due attention will be given to them in the order in which they occur.

The following is a translation of the Belgian Marriage Law :—

TITLE V.

Chapter I.—*On the Qualities and Conditions required in order to be able to contract Marriage.*

Art. 144. A man before the age of 18, and a woman before 15 years, complete, are incapable of contracting marriage.

Art. 145. The Government shall be at liberty, nevertheless, upon weighty reasons, to grant dispensations of age.

[*Note.*—The above Article has been modified by a Royal Decree of the 5th January, 1864, as follows :—

Dispensations to marry may be granted, on the advice of the Minister of Justice, to a man under 18, and to a woman under 15 years of age, also for marriages between brother-in-law and sister-in-law, on the marriage being dissolved by the natural death of one of the parties, and between an uncle and niece, and an aunt and nephew.]

Art. 146. There can be no marriage where consent is wanting.

Art. 147. A second marriage cannot be contracted previous to the dissolution of the first.

Art. 148. The son who has not attained the full age of 25 years, the daughter who has not attained the full age of 21 years, cannot contract marriage without the consent of their father and mother; in case of disagreement, the consent of the father is sufficient.

[*Note.*—Subsequent legislation has determined that officers on active service, or officers of the Reserve, but in the receipt of pensions, may not marry without the consent of the Government; and must show proof that up to and during the rank of Captain they have been in the receipt of an income of 600 fl. (about 48/), exclusive of their pay.

Soldiers who have concluded their fourth year of compulsory service, or who are on indefinite leave, may contract marriage. The same applies to voluntary soldiers by profession on indefinite leave.]

Art. 149. If one of the two be dead, or incapable of manifesting his or her will, the consent of the other is sufficient.

Art. 150. If the father and mother are dead, or if they are incapable of manifesting their will, the grandfathers and grandmothers shall supply their place; if

there be a disagreement between the grandfather and the grandmother of the same line, the consent of the grandfather shall suffice.

If the disagreement be between the two lines, this division shall import consent.

[*Note.*—In regard to the above Article, the law decides that the production of the certificates of death of the fathers and mothers of the future couple is dispensed with when the deaths in question are attested by the grandparents. Mention must be made of this attestation in the act of the celebration of marriage.

In case the parties have neither father or mother or any other living ancestor, the production of the certificates of the death of their grandparents previous to contracting marriage is only required when the man has not attained the age of 25, or the woman that of 21 years.]

Arts. 151, 152, and 153. These three Articles have been replaced by the Law of the 16th August, 1887, which runs as follows:—

Legitimate children who have attained, the man 25 years, and the woman 21, are bound, before contracting marriage, to ask the advice of their fathers and mothers by means of a respectful and formal act (*“acte respectueux et formel”*), unless the latter are incapable of manifesting their will.

Should consent be refused after the respectful act has been made, the marriage may be celebrated after the expiration of one month.

In the event of the parties being indigent, the respectful act is not required if the father or mother whose advice ought to be sought has no recognized abode in Belgium.

This fact must be attested on oath by the parties before the civil officer at least one month previous to the celebration of the marriage.

The civil officer shall draw up a statement of the administration of the oath, and of the affirmation of the parties and of the witnesses. A copy of this statement shall be sent within three days to the Commissioner of Government.

In case of indigence, the act of consent required by law is signed before the civil officer at the domicile of the relation in the ascending line; if abroad, by the authorities competent to attest such an act, *i.e.*, Diplomatic Agents, Consuls, and Vice-Consuls.

The papers required for the marriage of indigent persons and for the legitimization of their natural children, are, at their request, collected together by the civil officer of the commune in which the parties have decided to get married. These papers are, at the request of the civil officer, procured and transmitted by the Commissioners of Government.

The Commissioners of Government may in such case act officially, and proceed to any investigation prior to the solemnization of the marriage.

Any proceedings having in view the correcting or recording of civil acts, or confirmation of acts of notoriety, and generally any judicial documents or measures necessary for the marriage of destitute persons, shall be taken and executed officially at the suit of the public authorities.

Art. 154. The respectful act shall be notified to such person or persons of the ascending line as are pointed out in Article 151 by two notaries, or by one notary and two witnesses; and in the statement which shall be drawn up thereof mention shall be made of the answer.

Art. 155. In case of the absence of the ancestor to whom the respectful act ought to have been made, the celebration of the marriage may be proceeded with on the production of a Judgment given declaring absence, or, in default of such Judgment, that which shall have directed an inquiry, or if such latter Judgment shall not yet have been pronounced, an act of notoriety delivered by the Justice of the Peace of the place where the ancestor had his last known place of abode. This act shall contain the deposition of four witnesses officially summoned by the Justice of the Peace.

Art. 156. The officers of the civil power who shall have proceeded to the celebration of marriages contracted by sons not having attained the full age of 25 years, or of daughters not having attained the full age of 21 years, without having the consent of the fathers and mothers, that of the grandfathers and grandmothers, and that of the family, in a case requiring them, declared in the act of marriage, shall, on the prosecution of the parties interested, and of the Government Commissioner in the Tribunal of First Instance of the place where the marriage shall have been celebrated, be condemned to the fine inflicted by Article 192, and further to an imprisonment of which the duration shall not be less than six months.

Art. 157. Where respectful acts shall have been omitted to be made in cases in which they are prescribed, the civil officer who shall have celebrated the marriage shall be condemned to the same fine, and to an imprisonment of not less than one month.

Art. 158. The regulations contained in Articles 148 and 149, and those of Articles 151, 152, 153, 154, and 155 relative to the respectful act required to be made to the father and mother in the case contemplated by those Articles, are applicable to natural children legally recognized.

Art. 159. The natural child who has not been acknowledged, and the child who, after having been so, has lost his father and mother, or whose father and mother are unable to manifest their will, shall not be at liberty, before the full age of 21 years, to marry without the consent of a guardian *ad hoc*, who shall be nominated for him.

The above Article has been amplified by a Circular of the 29th July, 1844, to the effect that the consent to the marriage of foundlings or children who have been found abandoned and placed in hospitals must be given by the guardian nominated by the Commission of Hospitals, and should a guardian already exist, it is sufficient that the Commission grant him a special permission to give his consent to the marriage.

Art. 160. If there is neither father nor mother, neither grandfathers nor grandmothers, or if they are all found to be incapable of manifesting their will, male or female children under the age of 21 years cannot contract marriage without the consent of a family council.

Art. 161. In a direct line, marriage is prohibited between all the ascending and descending branches, legitimate or natural, and the kindred in the same line.

Art. 162. In the collateral line, marriage is prohibited between brother and sister, legitimate or natural, and the kindred of the same degree.

Art. 163. Marriage is further prohibited between the uncle and the niece, and the aunt and the nephew.

Art. 164. It shall be lawful, nevertheless, for the Government, on weighty grounds, to remove the prohibitions contained in the preceding Article.

Chapter II.—Of the Formalities relative to the Celebration of Marriage.

Articles 165, 166, 167, 168, and 169. These Articles have been abrogated and replaced by Articles 4, 5, 6, 7, and 8 of the Law of the 26th December, 1891, which run as follows:—

Article 4. The publication of the marriage must be made at the place of domicile or residence of each of the parties.

Article 5. If the actual domicile has not had a continuous duration of six months, the publication is also to be made at the former place of domicile, whatever may have been the length of its duration.

If actual residence has not had a continuous duration of six months, the publication is to be made at the domicile, whatever may have been the length of its duration.

In the event of there not being a known domicile, in the cases contemplated in the former paragraphs, the publication is to be made in the commune where the future husband has resided for six months.

In the event of there not having been a continuous residence of six months, it is to be made at the place of residence.

Article 6. The publications which have to be made elsewhere than at the place where the marriage is celebrated shall be so made from the first Sunday following the receipt of the request of the civil officer called upon to perform the celebration. The civil officer called upon to do so shall not require the production of any further papers.

Article 7. The Government Commissioner of the Court of First Instance of the circle in which the parties propose celebrating their marriage may, for weighty reasons, dispense with the publication and with all delay.

The same privilege is accorded to Heads of Missions and Consuls of Belgium, also to unpaid agents of the Belgian Consular Body as far as the rank of Vice-Consul inclusive, provided they do not reside at the seat of a Legation or Consulate, and that they do immediately report to the Legation or Consulate under which they are serving their reasons for granting or refusing the publication.

Article 8. The marriage is to be celebrated publicly before the civil officer of the commune, and in the commune where one of the parties shall have domicile or residence at the date of the publication, or, in the event of the publication being dispensed with, at the date of the celebration.

Art. 170. This Article has been replaced by the Law of the 20th May, 1882, as follows:—

1. Marriages abroad between Belgians and between Belgians and foreigners shall be celebrated according to the customs of the country in question.

2. Marriages between Belgians may also be celebrated by Belgian Diplomatic Agents and Consuls according to Belgian law.

3. Belgian Diplomatic Agents and Consuls may celebrate marriages between Belgians and foreigners if they have received special authority from the Minister for Foreign Affairs.

4. The marriages shall be published in accordance with Belgian law, by the civil officer in Belgium, and by the Diplomatic Agents and Consuls in the Chanceries where the marriages shall be celebrated.

5. Marriages celebrated in the forms prescribed above in Articles 1, 2, and 3 shall be valid in Belgium, provided the Belgians have not contravened any of the regulations prescribed in Chapter I, Title V, Book I of the "Code Civil," under penalty of the nullity of the marriage.

The capacity of a female, subject of a foreign country, shall be regulated by her personal status.

Art. 171. Within three months after the return of a Frenchman (*sic* in the "Code Belge") into the territory of the Empire, the act of the celebration of marriage contracted in a foreign country shall be transcribed into the public register of marriages at the place of his domicile.

Chapter III.—Of Oppositions to Marriage.

Art. 172. The right of opposing the celebration of marriage belongs to the person connected by marriage with one of the two contracting parties.

Art. 173. The father, and in default of the father, the mother, and in default of the father and mother, the grandfathers and grandmothers, may oppose the marriage of their children and descendants, although they have accomplished 25 years.

Art. 174. In default of ancestors, the brother or sister, the uncle or aunt, the cousins or cousins-german, being of age, can make no opposition except in the two following cases:—

1. Where the consent of the family council required by Article 160 has not been obtained.

2. Where the opposition is founded on a state of insanity in the future spouse. This opposition, of which the Court is empowered to pronounce the pure and simple abrogation, shall never be received except on condition by the opponent of urging the interdiction, and causing a decree to be made thereon, within the interval which shall be fixed by the Judgment.

Art. 175. In the two cases contemplated by the preceding Article, the guardian or curator shall not, during the continuance of the guardianship or curatorship, make opposition except so far as he shall have been authorized by a family council, which he is at liberty to convoke.

Art. 176. Every act of opposition shall set forth the quality which gives to the opponent the right to make it; it shall contain the election of domicile in the place where the marriage is to be celebrated; it shall in like manner, unless it be made at the request of an ancestor, contain the motives of opposition: the whole on pain of nullity, and of suspension of the ministerial officer who shall have signed the act containing the opposition.

Art. 177. The Tribunal of First Instance shall pronounce within ten days on the petition for revocation.

Art. 178. If an appeal be made, a decision shall be made thereon within ten days from the citation.

Art. 179. If the opposition be rejected, the opponents, other nevertheless than ancestors, may be sentenced to damages.

Chapter IV.—Of Petitions for Nullity of Marriage.

Art. 180. A marriage contracted without the free consent of the married persons, or of one of them, can only be impeached by the married persons, or such one of them whose consent has not been free. Where a mistake has occurred in the person, the marriage shall only be impeached by such one of the married persons as may have been led into the error.

Art. 181. In the case mentioned in the preceding Article the petition of nullity is

no longer admissible wherever there has been cohabitation continued during six months after the married person has acquired full liberty, or after discovery made of the error.

Art. 182. A marriage contracted without the consent of the father and mother, of the ancestors, or of the family council, in cases where such consent was necessary, can only be impeached by those whose consent was requisite, or by such of the two married persons as stood in need of that consent.

Art. 183. A suit for nullity is no longer maintainable either by the married persons or by the relations whose consent was required, in those cases where the marriage has been approved, either expressly or tacitly, by those whose consent was necessary, or when a year has elapsed without complaint on their part, subsequently to their knowledge of the marriage.

Such suit is no longer maintainable by a spouse, after the lapse of a year without complaint on his part, subsequently to his having attained the competent age for consenting to the marriage in his own person.

Art. 184. Every marriage contracted in contravention of the regulations contained in Articles 144, 147, 161, 162, and 163 may be impeached either by the married parties themselves, or by those who have an interest therein, or by the public authorities.

Art. 185. Nevertheless, a marriage contracted by parties who have not yet reached the required age, or of whom one has not attained that age, is no longer liable to be impeached:—

1. Where six months have expired since the married person or persons have attained the competent age.

2. Where the woman, not having reached that age, has conceived before the expiration of six months.

Art. 186. The father, the mother, the ancestor, and the family having consented to a marriage contracted under the circumstances mentioned in the preceding Article are inadmissible as plaintiffs in a suit for nullity.

Art. 187. In all those cases where, conformably to Article 184, a suit for nullity may be instituted by all those who have an interest therein, such suit shall not be maintained by collateral relations, or the children born of another marriage of the survivor of the parties, but only where they have an actual and existing interest therein.

Art. 188. The married party to the prejudice of whom a second marriage has been contracted may demand the nullity thereof, even during the life of the party who was engaged with him.

Art. 189. If the newly-married parties oppose the nullity of the first marriage, the validity or nullity of such marriage must be decided previously.

Art. 190. The Commissioner of Government may and shall, in all cases to which Article 184 can be applied, and subject to the modifications contained in Article 185, demand the nullity of the marriage during the lifetime of the two married persons, and cause them to be sentenced to separation.

Art. 191. Every marriage not publicly contracted, and not celebrated before the competent public officer, may be impeached by the married parties themselves, by the father and mother, by the ancestors, and by all those who have an actual and existing interest therein, as well as by the public authorities.

Art. 192. If the marriage has not been preceded by the two publications required, or if the dispensations permitted by the law have not been obtained, or if the intervals prescribed between the publications and celebrations have not been observed, the Commissioner shall cause a fine to be awarded against the public officer which shall not exceed 300 fr. (12*l.*), and against the contracting parties, or those under whose control they have acted, a fine proportioned to their fortune.

Art. 193. The punishments awarded in the preceding Article shall be inflicted on the persons designated therein for every contravention of the rules prescribed by Article 165, even though such contraventions shall not be adjudged sufficient whereon to pronounce a nullity of the marriage.

Art. 194. No person shall be at liberty to claim the title of spouse, and the civil consequences of marriage, unless upon the production of an act of celebration inscribed upon the register of the civil power, saving the cases provided for by Article 46, under the title of "Acts before the Civil Authorities."

Art. 195. The actual existence of marriage shall not discharge the pretended spouses, who shall respectively claim to be such, from producing the act of celebration of marriage before the civil officer.

Art. 196. Where there is an actual marriage, and the act of celebration of marriage

before the officer of the civil power is produced, the married parties are respectively incapable of suing for a nullity of this act.

Art. 197. Where, nevertheless, in the cases of Articles 194 and 195, there are children, the issue of two individuals who have lived publicly together as husband and wife, and who are both deceased, the legitimacy of such children cannot be contested on the single ground of the non-production of the act of celebration, whenever such legitimacy is proved by an actual marriage uncontradicted by the act of birth.

Art. 198. When the proof of a legal celebration of marriage is acquired by the result of a criminal procedure, the insertion of the Judgment on the registers of the civil power confirms to the marriage, computing from the day of its celebration, all its civil consequences, as well as regards the married parties as the children the issue of such marriage.

Art. 199. If the married parties are dead, or one of them, without having discovered the fraud, the criminal suit may be instituted by all those who have interest in causing the marriage to be declared valid, and by the Commissioner of Government.

Art. 200. If the public officer is dead at the time of the discovery of the fraud, the action shall be carried on in a civil form against his heirs by the Commissioner of Government, in the presence of the parties interested, and on their accusation.

Art. 201. A marriage which has been declared null draws after it, nevertheless, civil consequences, as well with regard to the married parties as to their children, where the marriage has been contracted in good faith.

Art. 202. Where good faith exists only on the part of one of the married persons, the marriage is only attended by civil consequences in favour of such persons and the children of the marriage.

Chapter V.—*Of the Obligations accruing from Marriage.*

Art. 203. Married persons contract together, by the single act of marriage, the obligation of nourishing, supporting, and bringing up their children.

Art. 204. A child has no action against his father and mother for an establishment in marriage or otherwise.

Art. 205. Children owe a maintenance to their fathers and mothers, and other ancestors who are in want thereof.

Art. 206. Sons and daughters-in-law owe equally, under the same circumstances, a maintenance to their fathers and mothers-in-law; but this obligation ceases—

1. When the mother-in-law has married again.
2. When such of the married parties as produced the affinity, and the children, the issue of the union with the other party, are dead.

Art. 207. The obligations resulting from these regulations are reciprocal.

Art. 208. Maintenance is only accorded in proportion to the necessity of the party who claims it, and to the fortune of the party who owes it.

Art. 209. When he who supplies or he who receives maintenance is placed in such a situation that the one can no longer give, or the other has no longer a need thereof, in whole or in part, a discharge or reduction thereof may be demanded.

Art. 210. If the person who is bound to supply maintenance can show that he is unable to pay an alimentary pension, the Court shall, on being made acquainted with the cause, give order that he shall receive into his house, and there nourish and support, the party to whom he owes maintenance.

Art. 211. The Court shall, in like manner, adjudge whether a father or mother who shall offer to receive, nourish, and support within the house a child to whom they owe maintenance, ought, in this case, to be discharged from paying an alimentary pension.

Chapter VI.—*Of the respective Rights and Duties of Married Persons.*

Art. 212. Married persons owe to each other fidelity, succour, and assistance.

Art. 213. The husband owes protection to his wife, the wife obedience to her husband.

Art. 214. The wife is obliged to live with her husband, and to follow him to every place where he may judge it convenient to reside; the husband is obliged to receive her, and to furnish her with everything necessary for the wants of life, according to his means and station.

Art. 215. The wife cannot plead in her own name, without the authority of her

husband, even though she should be a public trader, or non-communicant, or separate as to property.

Art. 216. The authority of the husband is not necessary when the wife is prosecuted in a matter which is criminal or relates to police.

Art. 217. A wife, although non-communicant or separate as to property, cannot give, alienate, pledge, or acquire by free or chargeable title, without the concurrence of her husband in the act, or his consent in writing.

Art. 218. If the husband refuse to authorize his wife to plead in her own name, the Judge may give her authority.

Art. 219. If the husband refuse to authorize his wife to pass an act, the wife may cause her husband to be cited directly before the Court of First Instance of the district of their common domicile, which may give or refuse its authority, after the husband shall have been heard or duly summoned before the Chamber of Council.

Art. 220. The wife, if she is a public trader, may, without the authority of her husband, bind herself for that which concerns her trade; and in the said case she binds also her husband, if there be a community between them. She is not reputed a public trader if she merely retail goods in her husband's trade, but only when she carries on a separate business.

Art. 221. When the husband is subjected to a condemnation, carrying with it an afflictive or infamous punishment, although it may have been pronounced merely for contumacy, the wife, though of age, cannot during the continuance of such punishment plead in her own name or contract until after authority given by the Judge, who may in such case give his authority without hearing or summoning the husband.

Art. 222. If the husband is interdicted or absent, the Judge, on cognizance of the cause, may authorize his wife either to plead in her own name or to contract.

Art. 223. Every general authority, though stipulated by the contract of marriage, is invalid, except as respects the administration of the property of the wife.

Art. 224. If the husband is a minor, the authority of the Judge is necessary for his wife either to appear in Court or to contract.

Art. 225. A nullity founded on defect of authority can only be opposed by the wife, by the husband, or by their heirs.

Art. 226. The wife may make a will without the authority of her husband.

Chapter VII.—*Of the Dissolution of Marriage.*

Art. 227. Marriage is dissolved—

1. By the death of one of the parties.
2. By divorce lawfully pronounced.

Chapter VIII.—*Of Second Marriages.*

Art. 228. A woman cannot contract a new marriage until ten months have elapsed from the dissolution of the preceding marriage.

Hours in which the Ceremony can be performed.

Marriages are celebrated publicly at 11 o'clock before the civil officer in the Town Hall of the locality.

Changes in this hour are sometimes made in cases of necessity.

Marriage is legally completed on the conclusion of the civil function, though a religious ceremony in a church is frequently gone through subsequently, which is entirely optional, and in no way affects the civil marriage.

Fees charged.

All papers the production of which is required previous to contracting marriage must be stamped. The expense of stamping is incurred by the parties to be married, and varies from 1s. 6d. to 1s. 9d. for each paper.

A further tax of 10d. is levied at the Town Hall, which includes the stamp for publication, and that on the marriage pamphlet presented to the parties.

Stamps are dispensed with in the case of persons who can produce the requisite certificate of indigence, and in that of individuals who have served in the national militia.

Marriages of Foreigners in Belgium.

Foreigners who are resident in Belgium, and who are inscribed on the registers, are assimilated to Belgians in regard to the celebration of their marriage.

Documents coming from abroad (with the exception of Holland, France, and Prussia, for which countries the legalization of the President of the Tribunal of First Instance, of the Governor, or the Prefect, or of the Justice of the Peace is sufficient) must be approved by the Belgian Ambassadors or Consuls there resident, and, moreover, the signatures of these latter must be legalized by the Minister of Foreign Affairs at Brussels.

Marriage contracted in Belgium by a foreigner shall not be valid in the country of origin unless it has been preceded by the publications and legal formalities in usage in that country.

No. 8.

Sir F. Plunkett to the Earl of Rosebery.—(Received December 18.)

My Lord,

Brussels, December 16, 1893.

I HAVE the honour to forward herewith a Report which has, in compliance with the instructions in your Lordship's Circular despatch of the 16th September last, been prepared by Mr. Leech, Third Secretary to this Legation, showing the state of the law in Belgium regarding divorce.

I have, &c.
(Signed) F. R. PLUNKETT.

Inclosure in No. 8.

Report upon the Belgian Law on Divorce.

Belgian Law on Divorce, 1893.

THIS Law has undergone no alteration since the date of its promulgation by the Emperor Napoleon on the 31st March, 1803.

It consists of Articles 229—311 of the Imperial Code.

The state of the law, and the grounds upon which divorce can be obtained, cannot be better explained than by giving a translation of the above-named Articles.

Title VI.—Of Divorce.

Chapter I.—Of the Causes of Divorce.

Article 229. The husband may demand a divorce on the ground of his wife's adultery.

Art. 230. The wife may demand divorce on the ground of adultery in her husband, when he shall have brought his concubine into their common residence.

Art. 231. The married parties may reciprocally demand divorce for outrageous conduct, ill-usage, or grievous injuries exercised by one of them towards the other.

Art. 232. The condemnation of one of the married parties to an infamous punishment shall be to the other a ground of divorce.

(N.B.—The definition of an infamous punishment ("peine infamante") is not given in the Penal Code.)

Art. 233. The mutual and unwavering consent of the married parties, expressed in the manner prescribed by law, under the conditions and after the proofs which it points out, shall prove sufficiently that their common life is insupportable to them, and that there exists, in reference to them, a peremptory cause of divorce.

Chapter II.—Of the Divorce for Cause determinate.

Section 1.—Of the Forms of the Divorce for Cause determinate.

Article 234. Whatever may be the nature of the facts or offences which afford ground for a demand of divorce for cause determinate, such demand shall only be made to the Court of the circle within which the married persons shall have their domicile.

Art. 235. If any of the facts alleged by the married party demandant give ground for a criminal prosecution on the part of the public officers, the action for divorce shall remain suspended until after the Judgment of the Criminal Tribunal; it may then be resumed without permitting any objection or exception at law to be drawn from the criminal Judgment prejudicial to the married party demandant.

Art. 236. Every petition for divorce shall detail the facts; it shall be sent back, with the corroborating documents, if there are any, to the President of the Court, or to the Judge who shall perform his functions, by the married party demandant in person, unless prevented by illness, in which case, on his request, and the certificate of two doctors of physic or surgery, or of two officers of health, the Magistrate shall repair to the residence of the demandant, there to receive his petition.

Art. 237. The Judge, after having heard the petitioner, and having made to him such observations as he shall deem suitable, shall mark the petition and the documents, and draw up a statement that the whole has been placed in his hands. This statement shall be signed by the Judge and by the petitioner, unless the latter is ignorant or unable to write, in which case mention shall be made thereof.

Art. 238. The Judge shall make order, at the foot of his statement, that the parties shall appear in person before him at the day and hour that he shall point out, and to this end a copy of his order shall be addressed by him to the party against whom the divorce is demanded.

Art. 239. On the day appointed the Judge shall make to the two married parties, if both present themselves, or to the petitioner, if appearing alone, such representations as he shall deem likely to effect a reconciliation; if he is unable to accomplish this, he shall draw up a statement thereof, and shall order the communication of the petition and of the documents to the Commissioner of Government, and the report of the whole to the Tribunal.

Art. 240. Within the three following days, the Court, on the report of the President, or of the Judge who shall have exercised his functions, and, on the motion of the Commissioner of the Government, shall award or suspend the permission of citation. The suspension shall not exceed the term of twenty days.

Art. 241. The petitioner may, by virtue of the permission of the Court, cause the defendant to be summoned, in the ordinary form, to appear in person at a private hearing, within the interval prescribed by law; he shall cause a copy to be delivered at the head of his summons, of the petition of divorce, and of the documents produced in its support.

Art. 242. At the expiration of the interval, whether the defendant appear or not, the petitioner in person, assisted by a counsel, if he shall deem it expedient, shall unfold, or cause to be unfolded, the grounds of his petition; he shall produce the documents which support it, and shall name the witnesses whom he proposes to have heard.

Art. 243. If the defendant appear in person or by an authorized agent, he may make his observations, or cause them to be made, as well upon the grounds of the petition as upon the documents produced by the petitioner and on the witnesses named by him.

The defendant shall name, on his part, the witnesses whom he proposes to have heard, and on them the petitioner in turn shall make his observations.

Art. 244. A statement shall be drawn up of the appearance, depositions, and observations of the parties, as well as of the confessions which either may make. The statement shall be read over to the aforesaid parties, who shall be required to sign it; and express mention shall be made of their signature, or of their declaration of inability or unwillingness to sign.

Art. 245. The Court shall send the parties to a public hearing, of which it shall appoint the day and hour; it shall direct a communication of the proceeding to the Commissioner of Government, and shall appoint a Judge to report. In case the defendant shall not appear, the petitioner shall be bound to signify to him the order of the Court, within the interval which it shall appoint.

Art. 246. At the day and hour appointed, on the report of the Judge nominated, the Commissioner of Government being heard, the Court shall decree first upon the exceptions of law, if any have been propounded. In case they shall be found conclusive, the petition for divorce shall be rejected: in the opposite case, or if exceptions of law have not been offered, the petition for divorce shall be admitted.

Art. 247. Immediately after the admission of the petition for divorce, on the report of the Judge appointed, the Commissioner of Government being heard, the Court shall adjudge fully. It shall give judgment on the petition, if it appear in a state to be decided on; if not, it shall admit the petitioner to proof of pertinent facts alleged by him, and the defendant to contrary proof.

Art. 248. At every stage of the cause the parties shall be at liberty, after the reports of the Judge, and before the Commissioner of the Government shall have begun to speak, to propose, or cause to be proposed, their respective arguments, first upon exceptions at law, and afterwards upon the merits; but in no case shall the counsel of the petitioner be heard unless the petitioner be present in person.

Art. 249. Immediately after pronouncing the Judgment which shall direct the inquiries, the Registrar of the Court shall read that part of the statement which contains the nomination already made of the witnesses whom the parties propose to have heard. They shall be warned by the President that as yet they are at liberty to mention others, but that after this moment no more can be received.

Art. 250. The parties shall propose at once their respective exceptions against the witnesses of whom they desire to get rid. The Court shall decide on these exceptions after having heard the Commissioner of the Government.

Art. 251. The relations of the parties, with the exception of their children and descendants, cannot be excepted to on the ground of their affinity, nor can the domestics of the parties by reason of such quality; but the Court shall have such regard as reason requires to the depositions of relations and servants.

Art. 252. Every Judgment which shall admit a proof by witnesses shall mention by name the witnesses who shall be heard, and shall fix the day and hour at which the parties are to present themselves.

Art. 253. The depositions of the witnesses shall be received by the Court sitting with closed doors, in the presence of the Commissioner of Government, of the parties, and of their counsel or friends to the number of three on each side.

Art. 254. The parties, by themselves or by their counsel, may make to the witnesses such observations and examinations as they shall judge suitable, without being allowed, nevertheless, to interrupt them in the course of their depositions.

Art. 255. Every deposition shall be reduced to writing, as well as the remarks and observations to which it shall have given rise. The statement of inquiry shall be read as well to the witnesses as to the parties; both shall be required to sign it, and mention shall be made of their signature, or of their declaration of inability or refusal to sign.

Art. 256. After the close of the two inquiries, or of that of the petitioner if the defendant has not produced witnesses, the Court shall send the parties to a public hearing, for which it shall point out the day and hour; it shall order the communication of the proceeding to the Commissioner of Government, and shall appoint a reporter. This order shall be signified to the defendant, at the request of the petitioner, within the interval appointed therein.

Art. 257. On the day fixed for final Judgment a report shall be made by the Judge commissioned; the parties shall be at liberty afterwards to make, by themselves or by the instrumentality of their counsel, such observations as they shall judge useful to their cause, after which the Commissioner of Government shall give his arguments.

Art. 258. Final Judgment shall be pronounced publicly. When it shall establish the divorce the petitioner shall be authorized to go before the civil officer and cause him to pronounce it.

Art. 259. When the petition for divorce shall have been founded on causes of excess, cruelty, or grievous injury, although they shall be well established, the Judges shall be at liberty not to allow the divorce immediately. In such case, before Judgment is given, they shall authorize the woman to quit the society of her husband, without being bound to receive him unless she judges it expedient; and they shall sentence the

husband to pay her an alimentary pension proportioned to his means, if the wife has not herself sufficient funds to supply her wants.

Art. 260. After a year of trial, if the parties are not reunited, the married person petitioning shall cause the other to be cited to appear before the Court, within the intervals prescribed by law, there to hear final Judgment pronounced, which shall then allow the divorce.

Art. 261. When the divorce shall be demanded by reason that one of the married persons is condemned to an infamous punishment, the only formalities to be observed shall consist of producing before the Civil Court a copy in correct form of the Judgment of condemnation, with a certificate from the Criminal Court importing that the said Judgment is no longer liable to be reviewed in any legal way.

Art. 262. In case of appeal from the Judgment of admission or from the final Judgment given by the Court of First Instance in a cause of divorce, the cause shall be prepared for hearing and decided by the Court of Appeal as an urgent affair.

Art. 263. The appeal shall not be receivable except where it shall have been lodged within three months, to be reckoned from the day of intimation given of the Judgment rendered on the hearing or by default. The interval for making application to the Court of Cassation against the Judgment in the last resort shall also be one of three months, computing from the intimation. The application shall be suspensory.

Art. 264. By virtue of every Judgment given in the last resort or passed with the force of a matter decided which shall authorize a divorce, the married person who shall have obtained it shall be obliged to present himself, within an interval of two months, before the civil officer, the other party being duly summoned, in order to cause him to pronounce the divorce.

Art. 265. These two months shall not begin to run, with regard to the Judgments of first instance, until after the expiration of the interval for the appeal; with regard to Judgments given for default in matters of appeal, not until after the expiration of the interval for opposition; and with regard to peremptory Judgments in the last resort, not until after the expiration of the interval for application for cassation.

Art. 266. The married party petitioner who shall have suffered the interval of two months hereinbefore determined to pass by without summoning the other party before the civil officer shall forfeit the benefit of the Judgment which has been obtained, and shall not be permitted to resume his suit for divorce except for new cause, in which case the ancient causes may be insisted upon.

Section II.—*Of the provisional Measures to which the Petition for Divorce for Cause determinate may give rise.*

Art. 267. The provisional management of the children shall rest with the husband, petitioner or defendant in the suit for divorce, unless it be otherwise ordered by the Court for the greater advantage of the children, on petition either of the mother, or the family, or the Government Commissioner.

Art. 268. The wife, petitioner or defendant in divorce, shall be at liberty to quit the residence of her husband during the prosecution, and demand an alimentary pension proportioned to the means of the husband. The Court shall point out the house in which the wife shall be bound to reside, and shall fix, if there be ground, the alimentary provision which the husband shall be obliged to pay her.

Art. 269. The wife shall be bound to prove her residence in the house appointed, as often as she shall be thereto required; in default of such proof, the husband may refuse the alimentary pension, and if the wife is the petitioner for divorce, may cause her to be declared incapable of continuing her prosecution.

Art. 270. The wife having community of goods, plaintiff or defendant in divorce, shall be at liberty, in every stage of the cause, commencing with the date of the order mentioned in Article 238, to require, for the preservation of her rights, that seals should be affixed to the movable goods in community. These seals shall not be taken off until an inventory and appraisal is made, and on the undertaking of the husband to produce the articles contained in the inventory, or to answer for their value, as their legal keeper.

Art. 271. Every obligation contracted by the husband at the expense of the community, every alienation made by him of immovable property dependent upon it, subsequently to the date of the order mentioned in Article 238, shall be declared void, if proof be given, moreover, that it has been made or contracted in fraud of the rights of the wife.

Section III.—*Of Exceptions at Law against the Suit for Divorce for Cause determinate.*

Art. 272. The suit for divorce shall be extinguished by the reconciliation of the parties, whether occurring subsequently to the facts which might have authorized such suit, or subsequently to the petition for divorce.

Art. 273. In either case the petitioner shall be declared incapable of pursuing the action; a new one may, nevertheless, be instituted for cause accruing subsequently to the reconciliation, and the ancient causes may then be employed in support of such new petition.

Art. 274. If the petitioner for divorce deny that a reconciliation has taken place, the defendant shall make proof thereof, either in writing or by witnesses, in the form prescribed in the first section of the present chapter.

Chapter III.—*Of Divorce by Mutual Consent.*

Art. 275. The mutual consent of married persons shall not be admitted if the husband have not reached 25 years, or if the wife be under 21.

Art. 276. The mutual consent shall not be received until two years from the marriage.

Art. 277. It shall no longer be admissible after twenty years of marriage, nor where the wife shall have attained the age of 45 years.

Art. 278. In no case shall the mutual consent of married persons be sufficient unless authorized by their fathers and mothers, or by their other living ancestors, according to the rules prescribed in Article 150 under the title of "Marriage."

Art. 279. Married persons determined to effect a divorce by mutual consent shall be bound to make previously an inventory and estimate of all their property, movable and immovable, and to adjust their respective rights, on which notwithstanding it shall be free to them to enter into arrangements.

Art. 280. They shall be bound in like manner to establish in writing their agreement on the three points following:—

1. To whom the children, the fruit of their union, shall be intrusted, as well during the period of the suit as after divorce pronounced.

2. To what house the wife is to retire and reside during the period of the suit.

3. What sum the husband is to pay to the wife during the same period if she has not an income sufficient to supply her wants.

Art. 281. The married parties shall present themselves, together and in person, before the President of the Civil Court of their circle, or before the Judge who shall discharge his functions, and make to him a declaration of their desire in presence of two notaries brought by themselves.

Art. 282. The Judge shall make to both the married parties together, and to each of them apart, in the presence of the two notaries, such representations and exhortations as he shall deem suitable; he shall read to them the IVth Chapter of the present title, which regulates the "Effects of Divorce," and shall disclose to them all the consequences of the step they are taking.

Art. 283. If the married parties persist in their resolution, an act shall be given them by the Judge setting forth that they demand a divorce and mutually consent to it; and they shall be required to produce and deposit on the instant in the hands of the notaries, besides the acts mentioned in Articles 279 and 280—

1. The acts of their birth and that of their marriage.

2. The acts of birth and of death of all the children the fruit of their union.

3. The authenticated declaration of their father and mother, or other living ancestor, to the effect that, for causes to them known, they authorize him or her, their son or daughter, grandson or granddaughter, married to such or such a person, to demand divorce and to consent thereto. The fathers, mothers, grandfathers, and grandmothers of the married parties shall be presumed living until the production of the acts verifying their decease.

Art. 284. The notaries shall draw up at length a statement of all that shall have been said or done in execution of the preceding Articles; the minute thereof shall remain with the elder of the two notaries, as well as the documents produced, which shall be annexed to the statement in which mention shall be made of intimation which shall be given to the wife to retire within twenty-four hours to the house agreed upon between her and her husband, and to reside there until divorce pronounced.

Art. 285. The declaration thus made shall be renewed within the first fortnight of the 4th, 7th, and 10th month following, observing the same formalities. The parties shall be bound each time to bring proof, by public act, that their fathers, mothers, or other living ancestors persist in their first determination, but they shall not be bound to repeat the production of any other act.

Art. 286. Within a fortnight from the day on which a year shall have expired, computing from the first declaration, the married parties, attended each by two friends, persons of credit within the circle, of the age of 50 years at the least, shall present themselves, together and in person, before the President of the Court, or the Judge who shall discharge his functions; they shall hand to him copies, in correct form, of the four statements containing their mutual consent, and of all the acts which shall have been annexed to it, and shall require of the Magistrate, each separately, in the presence, nevertheless, of each other, and of the four persons of credit, sentence of divorce.

Art. 287. After the Judge and the attending parties shall have made their observations to the married persons, if they persevere, an act shall be delivered to them of their request and of the presentation made by them of the documents in its support; the Registrar of the Court shall draw up a statement which shall be signed as well by the parties (unless they shall declare they know not how or are incapable of writing, in which case mention shall thereof be made), as by the four attending persons, the Judge, and the Registrar.

Art. 288. The Judge shall then annex to this statement his decree that within three days a report shall by him be made to the Court in the Council Chamber upon the conclusions in writing by the Commissioner of Government, to whom the documents shall be, for this purpose, communicated by the Registrar.

Art. 289. If the Commissioner of Government finds in the documents proof that the married parties were of the age, the husband of 25 years, the wife of 21 years, when they made their first declaration, that at this period they had been married during two years, and that their marriage had not subsisted more than twenty years, that the wife was under the age of 45 years, that the mutual consent had been expressed four times in the course of the year, after the preliminaries hereinbefore prescribed, and with all the formalities required in the present chapter, more especially with the authority of the fathers and mothers of the married persons, or with that of their other living ancestors in case of the previous decease of their fathers and mothers, he shall give his conclusions in these terms: "The law permits;" in a contrary case his conclusion shall be in these terms: "The law forbids."

Art. 290. The Court shall not upon the report enter into any other examinations than those pointed out in the preceding Article. If the result shall be that, in the opinion of the Court, the parties have satisfied the conditions and complied with the formalities appointed by the law, it shall admit the divorce, and send the parties before the civil officer to have it pronounced; in the opposite case the Court shall declare that the divorce cannot be admitted, and shall set forth the grounds of their decision.

Art. 291. The appeal against the Judgment, declaring that there is no ground for directing a divorce, shall only be admissible where it is lodged by the two parties, but by separate acts, within ten days at the soonest, and at the latest within twenty days, from the date of the Judgment of first instance.

Art. 292. The acts of appeal shall be mutually signified as well to the other married party as to the Commissioner of the Government of the Court of First Instance.

Art. 293. Within ten days, to be computed from the intimation given to him of the second act of appeal, the Commissioner of Government in the Court of First Instance shall cause to be passed to the General Commissioner of Government in the Court of Appeal a copy of the Judgment and the documents on which it has been founded. The Commissioner-General in the Court of Appeal shall give his conclusions, in writing, within ten days following the receipt of the documents. The President, or the Judge officiating for him, shall make his report to the Court of Appeal, in the Chamber of Council, and Judgment shall be finally given within ten days following the remission of the conclusions of the Commissioner.

Art. 294. In pursuance of the sentence establishing the divorce, and within twenty days from its date, the parties shall present themselves together and in person before the officer of the civil power, in order to cause him to pronounce the divorce. This interval exceeded, the Judgment shall be as though it had never occurred.

Chapter IV.—*Of the Effects of Divorce.*

Art. 295. Married parties who shall be divorced, for any cause whatsoever, shall never be permitted to be united again.

Art. 296. In a case of divorce pronounced for cause determinate, the wife divorced shall not be permitted to marry for ten months after divorce pronounced.

Art. 297. In case of divorce by mutual consent, neither of the parties shall be allowed to contract a new marriage until the expiration of three years from the pronouncing of the divorce.

Art. 298. In the case of divorce admitted by law for cause of adultery, the guilty party shall never be permitted to marry with his accomplice. The wife adulteress shall be condemned on the same Judgment, and on the request of the Public Minister, to confinement in a house of correction for a determinate period, which shall not be less than three months nor exceed two years.

Art. 299. For whatever cause a divorce shall take place, except in the case of mutual consent, the married party against whom the divorce shall have been established shall lose all the advantage conferred by the other party, whether by their contract of marriage, or since the marriage contracted.

Art. 300. The married party who shall have obtained the divorce shall preserve the advantages conferred by the other spouse, although they may have made mutual stipulations and such reciprocity have not taken place.

Art. 301. If the married parties shall have conferred no advantage, or if those stipulated do not appear sufficient to secure the subsistence of the married party who has obtained the divorce, the Court may award to such party, from the property of the other, an alimentary pension which shall not exceed the third part of the revenues of such other. This pension shall be revocable in a case where it shall cease to be necessary.

Art. 302. The children shall be intrusted to the married party who has obtained the divorce, unless the Court, on petition by the family or by the Commissioner of Government, gives order, for the greater benefit of the children, that all or some of them shall be committed to the care either of the other married party or of a third person.

Art. 303. Whoever may be the person to whom the children shall be committed, their father and mother shall preserve respectively the right to watch over the maintenance and education of their children, and shall be bound to contribute thereto in proportion to their means.

Art. 304. The dissolution of a marriage by divorce admitted by law shall not deprive children, the fruit of such marriage, of any of the benefits secured to them by the laws or by the matrimonial covenants of their father and mother; but there shall be no admission of claims by the children except in the same manner and in the same circumstances in which they would have been admitted if the divorce had not taken place.

Art. 305. In the case of divorce by mutual consent, a property in half the possession of each of the two married parties shall be acquired in full right, from the day of their first declaration, by the children born of their marriage; the father and mother shall, nevertheless, retain the enjoyment of such moiety until their children's majority, on condition of providing for their nourishment, maintenance, and education in a manner suitable to their fortune and condition; the whole without prejudice to the other advantages which may have been secured to the said children by the matrimonial covenants of their father and mother.

Chapter V.—*Of the Separation of Persons.*

Art. 306. In cases where there is ground for a petition in divorce for cause determinate, it shall be free to the married parties to make petition for separation of persons.

Art. 307. It shall be entered, carried on, and determined in the same manner as every other civil action; it shall not take place in consequence merely of the mutual consent of married parties.

Articles 308 and 309 abrogated by Articles 370 and 387 of the Penal Code as follows:—

Art. 308. The wife against whom separation of persons shall be pronounced for cause of adultery shall be condemned by the same Judgment, and on the requisition of the Public Minister, to confinement in a house of correction during a fixed period, which shall not be less than three months, nor exceed two years.

Art. 309. The husband shall continue empowered to arrest the effect of this sentence by consenting to receive his wife again.

Art. 310. When the separation of persons pronounced for any other cause than that

of adultery in the wife shall have continued three years, the married party who was originally defendant may demand divorce of the Court, which shall allow it unless the original plaintiff, present or duly summoned, consents immediately that such separation shall cease.

Art. 311. The separation of person shall import in every case a separation of property.

Cost of Divorce.

Apart from the minor expenses, such as stamps on papers, &c., there is a fixed registration duty ("droit fixe d'enregistrement"), which has to be paid on every Judgment of divorce.

This duty amounts to 1*l.* 8*s.* 4*d.* (35 fr.), and must be paid before the Judgment can actually be used or entered in the registers of divorce.

In cases of destitution, that is to say, where the party who has obtained a Judgment of divorce can prove to the satisfaction of the authorities a state of destitution, the above registration duty is not levied.

The fees of counsel employed by parties to a suit for divorce differ according to the position of the parties and the counsel employed.

BRAZIL.

No. 9.

Mr. Wyndham to the Earl of Rosebery.—(Received January 11, 1894.)

My Lord,

Rio de Janeiro, December 7, 1893.

WITH reference to your Lordship's Circulars of the 16th September last, requesting information as to the Laws affecting marriage and divorce in this country, I have the honour to inclose two pamphlets I have received from the Brazilian Government.*

The first contains Decree No. 181, of the 24th January, 1890, promulgating the Civil Marriage Law in Brazil; and the second contains a consolidation and formulary, in order to make uniform all matters relating to the subject.

I venture to suggest to your Lordship that Mr. Petre, the Translator to this Legation, who is now in England, might, perhaps, upon these data, draw up a Report in the desired form.

I have, &c.
(Signed) HUGH WYNDHAM.

No. 10.

Mr. Petre to the Earl of Rosebery.—(Received February 20.)

My Lord,

Hatchwood, Winchfield, February 19, 1894.

WITH reference to Mr. Wyndham's despatch of the 7th December last, I have the honour to forward herewith to your Lordship the two Reports which I was instructed to prepare on the Laws of marriage and divorce in Brazil.

I have, &c.
(Signed) ALGERNON H. E. PETRE.

Inclosure 1 in No. 10.

Report on the State of the Marriage Law of Brazil.

THE Law instituting civil marriage in Brazil was promulgated by a Decree, dated the 24th January, 1890, of the late Marshal Deodoro da Fonseca, who was then Chief of the Provisional Government, and it came into operation on the 24th May following.

Civil marriage is made obligatory by this Law, and a strict compliance with its provisions is essential to the validity of all marriages in Brazil, and of marriages between Brazilian subjects abroad.

Article 108 allowed the religious ceremony to precede the civil marriage, but this Article was repealed by a Decree of the 26th June, 1890, which punishes with six months' imprisonment and a fine, and, in case of the offence being repeated, with double penalties, any minister of religion who performs a religious marriage before the civil formalities have been gone through.

The Law in question consists of 125 Articles, comprised in thirteen sections, treating of—

- I. The preliminary formalities.
- II. The lawful impediments to marriage.
- III. The persons who are qualified by law to interpose obstacles, the time and manner of interposing these obstacles, and the manner of dealing with them.
- IV. The celebration of the marriage.
- V. The marriage of Brazilians abroad, and of foreigners in Brazil.
- VI. Proofs of civil marriage.
- VII. Its effects.
- VIII. Nullity and nullification of marriage.
- IX. This section treats of divorce, which will form the subject of a separate Report.
- X. Dissolution of marriage.
- XI. The guardianship of the offspring in such cases.
- XII. Penalties.
- XIII. General provisions.

Section I.—The Preliminary Formalities.

With respect to the preliminary formalities specified in Section I they are neither numerous nor complex. The parties must present themselves before the Registrar and produce:—

1. Formal documentary proof of their ages.
2. A declaration stating their condition and place of residence, and the condition and place of residence of their parents; and if the latter are dead, where they died; otherwise an explanation of the reasons which prevent them giving this information respecting their parents.
3. The authorization of those persons whose consent the contracting parties require, whether on account of their being minors or otherwise prohibited ("interdictos").
4. A declaration of two witnesses of age certifying that both the contracting parties are known to them, that they are not within the prohibited degrees of kindred, and that they know of no impediment to their marriage.
5. Proof of the death of the previous husband or wife, in the case of widows or widowers, or proof of the nullification ("anulação") of a previous marriage.

The Registrar will then draw up a notice to be affixed twice in some conspicuous part of the registry office, with an interval of seven days; this notice to remain up until the fifth day after the second publication. If there is no opposition, the Registrar will certify to the parties concerned that the marriage may take place within two months, dating from the fifth day after the second publication of the aforesaid notice. When the two parties do not live in the same district, a copy of the notice is forwarded for publication to the Registrar of their district, who is required to report whether there has been any opposition or not. If either of the parties has resided during the greater part of the last twelvemonth in another State, he or she must prove that, at the time of quitting that State, there existed no impediment to the marriage, or that such impediment had been removed. The notices of the intended marriage must be registered, and a copy of them supplied to any one requiring the same.

By a Decree, dated the 14th June, 1890, marriage Judges are authorized to dispense with the publication of banns if, on receiving the depositions of three witnesses, who are of age, they consider such dispensation to be urgent, provided there be no legal impediment, and that the persons whose consent may be necessary to the marriage agree to forego the publication of banns. The Judge may also exercise his discretion in this matter, when he considers that serious harm may result from the marriage being delayed.

Section II.—*Impediments to Marriage.*

The following are prohibited from marrying:—

1. Parents and children, and collateral relations within the second civil degree of kindred (corresponding to the first degree in ecclesiastical law).

The Brazilian law permits the marriage of uncle and niece, or aunt and nephew, of first cousins, and of brothers-in-law with sisters-in-law. In the case of uncle and niece or aunt and nephew (called the third civil degree of kindred), and in that of first cousins twice over, *i.e.*, children of two brothers by two sisters (called the fourth degree of kindred twice over), the law prohibits joint tenure of property, on the ground that such marriages are generally contracted with a view to such joint tenure, and are injurious to the offspring.

2. Persons already married.

3. A respondent and co-respondent convicted of adultery.

4. A person convicted of attempting to murder, or of murdering, his or her spouse, may not marry the perpetrator of or accomplice in the crime.

5. Persons under restraint who are unable to give their verbal or written consent in an unequivocal manner.

6. An abductor may not marry the woman abducted as long as the latter is not in security and out of the former's power.

7. Persons in the power or under the control of others who have not obtained the consent of those in whose power or under whose control they may happen to be.

8. Females under 14 and males under 16 are prohibited from marrying.

9. A widower, or widow, who has children by the deceased spouse, until an inventory of the property has been taken.

10. A widow, or woman separated from her husband by the nullity or nullification of the marriage, until ten months after widowhood or judicial separation, unless she have a child subsequent to such widowhood or separation and before the expiration of the said period.

11. A guardian or trustee, his parents or children, brothers, brothers-in-law or nephews, with the ward as long as the guardianship continues and until the different accounts have been settled, unless permission be granted in a will, or other public document, by the father, or mother, of the minor under guardianship.

12. A Judge, Clerk of the Court ("Escrivão"), their children or parents, brothers, brothers-in-law, or nephews, with an orphan or widow in the district where they officiate, except with the permission of the President of the High Court of the said district.

Documentary proof of the ages of parties who may not marry of their own free will must be furnished by a parent. Parentage is proved by a letter of adoption, the certificates of birth of the contracting parties, or the marriage certificate of their parents. In the case of illegitimacy, a declaration on the part of the father or the certificate of the child's birth, is sufficient.

Section III.—*Persons qualified to interpose Obstacles, the time and manner of interposing these Obstacles, and the manner of dealing with them.*

Any of the first six impediments mentioned in the preceding Section may be interposed by the Registrar *ex officio*, or by any other person who, with the help of two local witnesses, can prove the existence of one or other of these impediments. The Registrar must give notice to the contracting parties of the interposition of the said impediments. The parties can then take the proper legal steps to disprove the statements. The authority who presides at the marriage may interpose any of these obstacles during the celebration of the same. A person on whose consent the celebration of a marriage depends may withdraw that consent, but in such cases it may be supplied by other legal means. Impediments coming under paragraphs 8 to 12, inclusive, of Section II can only be interposed by the parents, children, or relatives within

the second civil degree of kindred (corresponding to the first degree in ecclesiastical law), of either of the contracting parties.

A female minor under 14 and a male under 16 can only be married in order to avoid a criminal sentence. Proof of the necessity for avoiding such sentence must be furnished by the secret confession of one of the parties to the judicial authorities, the other party being likewise heard. In such cases the minors are separated until they attain the prescribed marriageable ages.

Males between the ages of 16 and 21, and females between those of 14 and 21, must obtain the consent of both parents. If the latter should disagree, the consent of the father will suffice, and in the case of illegitimate children, not recognized by the father, that of the mother. Before consenting to their marriage, parents and guardians of minors and others under prohibition may require a medical certificate of the bridegroom, or bride, showing that he, or she, has been vaccinated and is free from an hereditary, or incurable, disease.

Parents and guardians may further require a certificate of the bridegroom showing:—

1. Where he has spent the major portion of the last two years if he has moved since he became engaged.

2. That he is not liable for any public service entailing uncertainty of abode. In this latter case, however, the judicial authorities may give the necessary consent if it be withheld.

In the case of a second marriage within twelve months the authorities may dispense with the publication of banns. Persons who interpose legal impediments to a marriage must prove the legality of their objections in Court. If they fail to answer a summons they may be nonsuited and are liable to a criminal or civil process for the effects of their opposition.

Section IV.—*The Celebration of Marriage.*

The day, hour, and place for the celebration of the marriage are fixed by the authority performing the ceremony; but at the express wish of the contracting parties the marriage may take place in any public or private building if the same does not appear inconvenient to the legal authorities. Otherwise the marriage must take place at the Court-house (“Casa das audiencias”) during the daytime with open doors and in the presence of two witnesses. Should the marriage take place in a private house the doors must likewise be open, and if one of the contracting parties is unable to write there must be three or four witnesses. At the time of the ceremony the presiding Justice (“o Presidente do acto”) will read out, in the presence of the contracting parties, the witnesses, and the Registrar, the aforementioned impediments, and will inquire of the contracting parties whether there are any such to their marriage. Having further inquired whether they marry of their own free will, and having received satisfactory answers, he will proceed to read out the following legal formulas, which each party must repeat in turn. “I take you for my lawful husband for as long as we live;” or I take you for my lawful wife for as long as we live.” The presiding Justice then says, “And I [name and title] recognize and declare you lawfully married from this moment.” An entry of the marriage is then made in the register setting forth full particulars respecting the parties, as also regarding any children they may have had previous to the marriage. This entry must be signed by the contracting parties, or by their witnesses if the former are unable to write. In this entry mention is also to be made of the settlement of the property, the date of the prenuptial contract, and the archives where it is kept, unless there be a joint tenure of the property, or the settlement be one established by law for certain marriages.

If one of the contracting parties declines, during the celebration of the marriage, to repeat the legal formula, or declares that he or she marries contrary to his or her free will, or withdraws his or her consent, the presiding Justice must immediately suspend the proceedings and cannot allow of a retraction on the same day. If this party be a woman under the age of 21 years, she will not be allowed to marry the other contracting party, unless the latter prove that she has been removed from the company of the person under whose tutelage she was at the time of withdrawing her consent. In the case of one of the parties being seriously ill the presiding Justice must attend at the house of that party, even at night. In such a case the presence of two additional witnesses, who are able to read and write, and have attained the age of 18 years, is required. In such cases the places of the proper legal authorities may be supplied by their lawful repre-

representatives, who will make the necessary entries in the register. In the event of one of the contracting parties being in danger of death, or obliged to be absent on public service, the Registrar may dispense with the publication of the banns. Failing the judicial authorities, or one of their representatives, in the first case mentioned above, the parties may celebrate their marriage themselves in the presence of six witnesses over 18 years of age, provided the latter are not related to the sick person within the prohibited degrees of kindred.

These witnesses must declare before the judicial authorities within forty-eight hours after the marriage has taken place :—

1. That they were called on behalf of the sick person;
2. That the latter's life appeared to be in danger, but that he, or she, was in possession of his, or her, faculties;
3. That the contracting parties had offspring, or had lived in a state of concubinage, or that the man had ravished or seduced the woman;
4. That each party had in turn repeated the marriage formula in the presence of the witnesses.

The judicial authorities will then determine whether the marriage was legal or not. If the sick person recover, he, or she, may ratify the marriage in the presence of a Justice and of the Registrar. In urgent cases where one of the contracting parties is unable to move, and the marriage cannot be delayed, he, or she, may be represented by proxy. A foreigner residing out of Brazil cannot marry a Brazilian woman in Brazil by proxy unless he prove that the law of his country would recognize the validity of such a marriage.

Section V.—*The Marriage of Brazilians abroad and of Foreigners in Brazil.*

If both the contracting parties are Brazilians, or one of them is a Brazilian, they may be married according to the law of the country where they are residing, and if both are Brazilians they may also be married in accordance with Brazilian law before a Diplomatic or Consular Agent. Such marriages are, however, subject to the formalities provided for in the present Law, and should any of the aforementioned impediments exist they must be brought to the knowledge of the Brazilian judicial authorities. These marriages must also be registered in Brazil three months after their celebration, or one month after the return of one of the contracting parties to that country. The preliminary formalities and impediments provided for in this Law apply equally to the marriage of foreigners in Brazil.

Section VI.—*Proofs of Civil Marriage.*

Proof of a civil marriage is furnished by a certified copy of the registration, and a marriage contracted before the establishment of a civil register is proved by a certified copy of the entry made in parochial books. Should the civil register or the parochial books not be forthcoming, any other kind of proof is admissible.

Nobody may contest the validity of the marriage of a deceased person to the detriment of their children, except by means of a certified copy of the entry in the civil register or parochial books, proving that one of the parties was married to another person. Marriages contracted abroad may be proved by the legal methods recognized in the country where they were contracted, but marriages performed before a Brazilian Diplomatic or Consular Agent must be proved by the register in Brazil.

If, owing to the negligence or fraud of the Registrar, a marriage has not been registered, the parties may furnish proof by the ordinary means allowed in the absence of official documents.

When a marriage has been proved by a judicial trial, an entry of the Judgment having been made in the register, such marriage will take effect, both as regards the contracting parties and their offspring, from the date of its celebration.

When the existence of a marriage is questioned, and equal proof is furnished by either side, the benefit of the doubt is to be given in favour of the existence of the marriage, provided the parties have lived, or still live, as married people.

Section VII.—*Effects of Civil Marriage.*

The following are the effects of civil marriage according to Brazilian law :—

1. To make children of the contracting parties conceived previous to the marriage

legitimate, provided that at the time of their conception neither of the contracting parties was married.

2. To constitute the husband the legal representative of the family and the manager of the joint property, as also of such property which has to be administered by him in accordance with a prenuptial agreement.

3. To invest the husband with the power of determining the place of residence of the family and the wife's profession, and of directing the education of the children.

4. To confer on the wife the right to use her husband's surname, and of enjoying such of his honours and rights as she may be entitled to by the laws of Brazil.

5. To oblige the husband to maintain and protect his wife and children.

In the absence of a prenuptial agreement the contracting parties will be considered as holding their property conjointly, unless it be proved that the marriage has not been consummated.

The property shall not be held conjointly in the following cases :—

1. If the wife be under 14 or above 50 years of age.

2. If the husband be under 16 or above 60 years of age.

3. If the couple are related within the third* civil degree, or the fourth† twice over.

4. When the marriage has been contracted in violation of paragraphs 11 and 12 of Section II (Impediments), and in the latter case even where the permission of the President of the High Court ("Presidente da Relação") has been obtained.

* In all the above cases the wife's property is to be considered as distinct, and as such guaranteed by law.

The power conferred by Article 27 of the Commercial Code on a married woman to hypothecate or alienate her dowry, is restricted to those women who were in business before their marriage.

Section VIII.—Nullity and Nullification of Marriage.

A marriage is null according to Brazilian law if contracted in any of the circumstances mentioned under paragraphs 1 to 4 inclusive of Section II; and a marriage performed in violation of Sections V to VIII inclusive of that Section, may be nullified. An action to declare a marriage null may be instituted by a private person interested, or by the District Court. The various parties and witnesses having been summoned, and the case tried, the Judge may, *ex officio*, or at the request of the parties, make such inquiries as he may think fit before delivering his judgment.

An action to declare a marriage null cannot be instituted *ex officio* after the death of one of the parties. When a marriage which is null, or liable to be annulled, has been contracted in good faith, it does not lose its civil effects as regards the contracting parties or the children, although the latter may have been born before wedlock. But if only one of the contracting parties acted in good faith, the civil effects of the marriage will apply only to that party and the children. When a marriage has been declared null through the fault of one of the contracting parties, that person loses all advantages derived from the other, and is, nevertheless, obliged to fulfil the promises made to that party in the prenuptial agreement.

The nullification of a marriage on the ground that one of the parties was coerced, can only be sought for by that party within six months from the date when the state of coercion ceased. In the case of a marriage contracted by a person incapable of giving his or her consent, the nullification can only be sought for by that person after he or she has acquired the power of consenting, or by his or her legal representatives, within six months from the date of the marriage. In the event of death, the heirs of such a person must seek for the nullification of the marriage within six months after his or her death. If one of the contracting parties on acquiring the power of consenting should ratify the marriage, such ratification will take effect from the date of the marriage. The nullification of a marriage contracted in violation of paragraph 7 of Section II, must be sought for by the persons who were entitled to give their consent, and who did not assist at the ceremony, within three months from the date when they became aware of the marriage.

The nullification of the marriage of a female minor, under 14, and of a male under 16, can only be sought for by one of the contracting parties six months after attaining either of those ages, or by their legal representatives, parents, or relations within the second

* Third civil degree = uncle and niece.

† Fourth civil degree = first cousins.

degree of kindred, six months after the marriage has taken place. A child conceived during a marriage which is subsequently nullified, is legitimate. A marriage may be nullified when either of the contracting parties was ignorant in regard to any of the following circumstances:—

1. The condition of the other contracting party.
2. That the other party had previous to the marriage committed a crime for which bail cannot be accepted.
3. That the other party was afflicted with an irremediable physical defect, such as impotence, or was suffering from an incurable contagious disease.

The nullification of a marriage on these grounds must, however, be sought for within two years from the date of the marriage.

Actions instituted for the purpose of nullifying a marriage or of declaring it null, and divorce suits, must be preceded by a petition from their author for the separation of the parties. The Judge must allow this separation as soon as possible, and the wife may then ask for provisional maintenance, which is to be granted her.

Section IX.—*Divorce.*

(See Separate Report.)

Section X.—*Dissolution of Marriage.*

According to Brazilian law, a lawful marriage can only be dissolved by the death of one of the contracting parties.

If the deceased party was the husband, and the wife has not married again, she succeeds to her late husband's rights over the persons and property of the children. Should she marry again, or have been separated from her late husband through her own fault, she can neither have custody of the children or take charge of their property.

Section XI.—*Guardianship of the Children.*

When a marriage has been declared null, or has been nullified through no fault of the contracting parties, the mother has charge of children by such marriage, in the case of daughters so long as they are minors, and of sons until they attain the age of 6 years.

Should one of the parties be in fault, the children are to be placed under the care of the other party, but in every case the mother is to have charge of the children, without distinction of sex, until they attain the age of 3 years.

It is open, however, to the parents to come to such a private agreement in regard to the custody of the children as they may consider most beneficial to them.

Section XII.—*Penalties.*

This Section is devoted to the various penalties incurred by those who infringe the Civil Marriage Law of the 24th January, 1890.

These penalties are imposed irrespective of those provided for in the Criminal Code. A marriage Judge, Registrar, or Clerk to a Justice of the Peace, who culpably causes a marriage to be declared null, or to be nullified, or culpably prevents a marriage from taking place is deprived of his office and prohibited from holding any other for ten years. A similar penalty is incurred by any of the above-mentioned officials who neglects, *ex officio*, to interpose any impediments known to him, and also by a Registrar who publishes banns without the consent of the parties, fails to publish them, or fails to grant the parties a certificate of qualification.

A widow or widower who remarries before an inventory has been taken of the property accruing from the former marriage, loses in favour of the children two-thirds of the share of the property which either would have inherited had the said inventory been made previous to the second marriage.

In such a case a widow or widower also forfeits the power of administering and the usufruct of the children's property. A woman who marries in violation of paragraph 10 of Section II is prohibited from making a will or leaving her husband more than one-third

of her property. A guardian or trustee who has broken the law as laid down in paragraph 11 of Section II, is bound to make over to the person marrying the ward property sufficient to make the two fortunes equal. A Judge or Clerk of the Court ("Escrivão") infringing the rule laid down in paragraph 12 of Section II is suspended from office for a period of ten years. In the above-mentioned cases provided for by paragraphs 11 and 12 of Section II, the law holds a guardian, trustee, Judge, or Clerk of the Court to be culpable.

The marriage registers are subject to periodical inspection by the Judicial authorities, who have to report on the subject annually to the Governors in the States and the Minister of Justice in the Federal capital.

Section XIII.—General Provisions.

This Section deals chiefly with the technicalities of legal procedure. The Law of the 24th January, 1890, created the office of Marriage Judge ("Juiz de Casamentos"), whose duty it is to preside at marriages, assisted by the Registrar. In the absence of these officials their respective duties are performed by the Senior Justice of the Peace and the Clerk of the Peace ("Escrivão de Paz"). Actions for the nullification of a marriage, or to declare it null, and divorce suits, are tried before the District Judge ("Juiz de Direito da Comarca"), or the Judge having charge of orphans ("Juiz de Orphãos"). The District Judges and Judges having charge of orphans also decide questions relating to impediments to marriage, but there is an appeal against their decisions.

Fees.

The following is a Table of the fees charged under the Civil Marriage Law of Brazil:—

	Reis.	At par.
		s. d.
A Marriage Judge or Justice of the Peace for presiding at a marriage in the Court-house	2\$000	4 8
If the marriage is celebrated elsewhere than at the Court-house	4\$000	9 4
The Registrar or Clerk in charge of the register	1\$000	2 4
If the marriage is celebrated elsewhere than at the Court-house	2\$000	4 8
When a marriage is not celebrated at the Court-house the travelling expenses of the officials must also be defrayed by the contracting parties.		

In addition to the above, the Registrar or Clerk will receive the following fees:—

	Reis.	At par.
		s. d.
Registration of a marriage celebrated by a lawful substitute in the absence of the regular authority ..	1\$000	2 4
Registration of judgments delivered deciding as to the validity of marriages contracted before six witnesses in cases of imminent danger of death	1\$000	2 4
Registration of publication of banns	1\$000	2 4
For each certificate of qualification	1\$000	2 4
For bringing forward an impediment	1\$000	2 4
For each report of a case of nullity or nullification of a marriage, or of a divorce suit	1\$000	2 4

No fees are charged for the registration of the marriages of persons who are known to be poor. A declaration of a Justice of the Peace or other judicial authority, or of the police, is sufficient proof of poverty in these cases.

Inclosure 2 in No. 10.

Report on the state of the Law on Divorce in Brazil.

Divorce.

THERE is no special Law on divorce in the Brazilian Republic. It is dealt with in Section 9 of the Civil Marriage Law which came into operation on the 24th May, 1890. Although the Law in question must have been extremely distasteful to the clergy of Brazil, it seems, nevertheless, in so far as divorce is concerned, to be a kind of compromise with the Church.

Under this Law divorce does not dissolve the marriage tie. This is distinctly laid down in Article 88. Neither of the parties can legally contract a second marriage during the lifetime of the other, and it is left open to them to become reconciled and resume conjugal relations. It goes, however, somewhat beyond judicial separation, inasmuch as all questions of property between the dissevered couple are treated as if the marriage had been really dissolved.

The following are the grounds for a petition for divorce by either husband or wife :—

1. Adultery.
2. Cruelty, or serious insult.
3. Voluntary desertion of the conjugal dwelling for two years in succession.
4. Mutual consent, after two years' marriage.

The first of these grounds ceases to be valid, the wife being the defendant in the divorce suit, if the adultery committed was the result of violation, if the petitioner connived at it, or if he subsequently condoned it. Cohabitation, with knowledge of the adultery having been committed, is equivalent to condonation.

When both parties wish for a divorce, all they have to do is to appear personally before the Judge with a written petition signed by both, and accompanied by the following documents :—

1. The marriage certificate.
2. A statement showing what property they possess, and what division of it they have agreed upon.
3. A declaration stating the terms of agreement as to the custody of the children, minors, if they have any.
4. A declaration stating the amount of their joint contribution to defray the expense of bringing up and educating them, or, in the event of the wife not having sufficient means of subsistence, the allowance to be made to her by the husband.
5. A copy of the prenuptial contract, if there was one.

The Judge having received these documents, and interrogated the parties separately as to the motives for the divorce, then fixes a term, not exceeding thirty days, or less than fifteen, for their reappearance before him for the purpose of confirming or withdrawing their petition. If both parties confirm, the Judge will pronounce a decree of divorce; at the same time ratifying the agreement come to between the parties. The case is then sent up to the Higher Court ("Superior Tribunal da Relação").

Divorce which is not sought for by the mutual consent of both parties is termed by the Brazilian law litigious divorce ("divorcio litigioso").

The procedure in such cases is the same as that for the nullification of marriage. Judicial separation precedes the trial of the action, such separation being applied for by the petitioner.

The defendant is allowed a term of ten days within which to prepare his or her defence. A decree of divorce having been pronounced, the children are handed over to the care of the innocent party after they have attained the age of 3 years, the mother having the custody of them until then. Even in the event of a divorce suit, however, the parties may come to an agreement respecting the custody of the children, such agreement to be set forth in a petition to be presented to the Judge before sentence is delivered.

If the wife be the innocent party, the husband must contribute towards her main-

tenance, and that of the children while they are under her care. The division of property resulting from divorce may be settled judicially, or by private arrangement. Property accruing to either party after a decree of divorce has been pronounced, but prior to the division of the property, is considered as forming part of the joint property, and is divided as such.

If a woman, who has been respondent in a divorce suit and has been condemned, continues to use the name of her husband, she incurs the penalties laid down in Articles 301 and 302 of the Criminal Code.

Costs.

It is impossible to state generally the cost of obtaining a divorce in Brazil. The mere judicial fees in these cases are the same as in other civil cases, and are prescribed by the Judicial Costs Regulations laid down in the Decree of the 2nd September, 1874.

CHILE.

No. 11.

Mr. J. G. Kennedy to the Earl of Rosebery.—(Received January 8, 1894.)

My Lord,

Santiago, November 25, 1893.

IN pursuance of the instructions conveyed to me in your Lordship's Circular despatches of the 16th September last, I have the honour to inclose a translation of the Laws regulating marriage and divorce in Chile.

I have, &c.
(Signed) J. G. KENNEDY.

Inclosure in No. 11,

Civil Marriage Law.

I.—General Regulations.

(Translation.)

ARTICLE 1. Any marriage which is not celebrated in conformity with the stipulations of this Law has no civil effect. The contracting parties are free to avail themselves of the religious formalities of their Church, but such formalities will not constitute a valid marriage, nor carry with them any civil effect.

Art. 2. The cognizance and decision of all questions which the observance of this Law involves belong to the civil jurisdiction.

Art. 3. To the civil jurisdiction also belong the cognizance and decision of questions concerning divorce, and the nullity of marriages contracted before the passing of this Law.

II.—Impediments and Prohibitions.

Art. 4. Those cannot contract matrimony—

1. Who are in the bonds of legal matrimony already.
2. Who are below the age of puberty.
3. Who are afflicted with perpetual and incurable impotence.
4. Who cannot clearly express willingness either by speech or writing.
5. Who are of unsound mind.

Art. 5. Moreover, matrimony shall not be contracted between—

1. Those belonging to the same line of ancestry or descent.
2. Those collateral in consanguinity up to the second degree inclusive.

Art. 6. In case of the assassination of a husband or wife, the survivor shall not be able to contract matrimony with the assassin or any of his accomplices.

Art. 7. A wife shall not be able to contract marriage with her partner in the crime of adultery.

Art. 8. The stipulations contained in Articles 126 and 129 of the Civil Code are binding upon the civil authority.

III.—*Concerning the Formalities which are preliminary to the Celebration of Matrimony.*

Art. 9. Persons wishing to marry shall state to the Civil Registrar, either in writing or verbally, the domicile or residence of one of the parties, giving their names and the appellation of both their fathers and mothers, their place of birth, their condition as bachelors or spinsters, widowers or widows, and, in the latter case, the names of those to whom they were formerly married, and the place and date of their death, their profession or business, the names and appellations of their parents, if known, the names of the persons whose consent might be necessary, and the fact of there being no impediment or legal hindrance in the way of their contracting marriage.

That shall be regarded as a place of residence in which either of the contracting parties shall have lived for three months previous to the notification of the Registrar.

Art. 10. If the notification shall have been verbal, the Registrar shall draw up a complete statement of the facts, to be signed by him and by the parties interested when able to do so, and to be attested by two witnesses.

Art. 11. The notification must be accompanied with reliable proof of the consent of those whose consent is required by law, and when such consent has not been declared verbally before the Registrar.

Art. 12. When presenting the notification the parties marrying shall produce at least two witnesses to prove the absence of impediments and prohibitions.

Art. 13. The marriage must be celebrated within a term of ninety days dating from the completion of the notification. If delayed beyond this term the marriage can only take place after a repetition of the formalities prescribed by the four preceding Articles.

Art. 14. The following cannot be accepted as witnesses :—

1. Persons under 18 years of age.
2. Persons disqualified by madness.
3. Persons out of their mind for the time being.
4. The blind, deaf, and dumb.
5. Those who have been sentenced for any offence involving four years' imprisonment at least, and those who have been declared disqualified to act as witnesses on criminal grounds.

6. Strangers not domiciled in Chile, and those who do not understand the Spanish language.

Art. 15. Marriages contracted in foreign countries in conformity with the laws of the said countries will have the same effect as though contracted in Chile, provided always that they have not violated the stipulations contained in Articles 4, 5, 6, and 7.

IV.—*Celebration of Marriage.*

Art. 16. The marriage shall be performed before the Civil Registrar, either in his public office, or in the house of one of the contracting parties, and before two witnesses, either relations or strangers.

Art. 17. The Civil Registrar, in the presence of the witnesses and the contracting parties, shall read the notification referred to in Article 9, as well as the declaration required by Article 12, and shall demand of the contracting parties if they consent to take each other as husband and wife, and on receiving an answer in the affirmative shall pronounce them married in the name of the law.

Art. 18. Upon this the Registrar shall then and there draw up a statement of these transactions, to be signed by himself and the witnesses and the parties to the marriage, when capable of doing so, and shall inscribe them in the books of the Civil Registrar according to the form prescribed by regulation.

V.—*Divorce.*

Art. 19. Divorce does not dissolve marriage, but merely suspends the joint life of the parties.

Art. 20. Divorce is either temporary or permanent ; in the former case it may not last more than five years.

Art. 21. Divorce can be obtained only for the causes following :—

1. Adultery on the part of either.
2. Serious and repeated cruel treatment either of act or word.
3. Being the author, instigator, or accomplice in the perpetration or devising of a crime against the goods, honour, or life of the other.
4. Attempted prostitution of the wife on the part of the husband.
5. Avarice of the husband, if it goes so far as to deprive the wife of such necessities of life as his means can reasonably afford.
6. Refusal of the wife without lawful excuse to follow her husband.
7. Abandonment of the common home, or resistance against the fulfilment of conjugal obligations without justifiable cause.
8. Absence without justifiable cause for more than three years.
9. Confirmed vice of gambling, drunkenness, or dissipation.
10. Serious, incurable, or contagious disease.
11. Condemnation of either party for crime or offence.
12. Acts of ill-treatment against the children, such as are likely to endanger life.
13. Attempted corruption of the children, or complicity in such attempt.

Art. 22. Causes 5, 6, 7, 8, and 12 of the preceding Article are not sufficient grounds for a permanent divorce.

Art. 23. The Judge shall decide the duration of a temporary divorce, taking into consideration the character of the causes assigned and the merits of the case.

Art. 24. The action for divorce cannot be brought by the guilty individual of the married pair against the innocent, and can only be brought by one of the parties married.

Art. 25. The action for divorce is irrevocable. Nevertheless, the right to petition for a divorce for existing and known cause can be relinquished, and is understood to be relinquished when cohabitation has been resumed, and the presumption of relinquishment extends even to the case when an action at law is pending.

Art. 26. An action for divorce must be brought within one year after knowledge of the circumstances upon which it is based.

Art. 27. The Judge shall listen* to the opinion of the Public Ministry in pronouncing judgment in a divorce suit.

Art. 28. The divorce and its effects shall cease when the couple consent to reunite, except in the cases where divorce has been decreed for the causes mentioned under the heads 4 and 13 of Article 21.

VI.—Nullity of Marriage.

Art. 29. A marriage celebrated notwithstanding the existence of any of the impediments noted in Articles 4, 5, 6, and 7 is null.

Art. 30. To annul a marriage an impediment must have been in existence at the time of the celebration of the marriage.

Art. 31. In like manner shall a marriage be null which has not been celebrated before the duly appointed Registrar, and in the presence of the number of witnesses qualified according to the terms of Article 16.

Art. 32. That marriage also is null for the celebration of which there has not been free and spontaneous consent on the part of one of the contracting parties.

Art. 33. Free and spontaneous consent is wanting in the cases following :—

1. When there has been an error as to the identity of the other party to the contract.

2. When there has been force according to the terms of Articles 1456 and 1457 of the Civil Code.

3. When the woman has been carried off, and at the time of the celebration of marriage has not recovered her liberty.

Art. 34. The right of action for nullity lies with the parties presumedly married, with their relations in the ascending line, with the Public Prosecutor, and with persons who may have a real interest in the matter, but it cannot be brought unless both of the married parties are living. An action for nullity, however, based on Nos. 1 and 2 of the preceding Article, can only be brought by one or other of the married parties who have suffered the error or force.

* i.e., shall refer the matter to the Procurator Fiscal.

In the case of a deathbed marriage the right of action for nullity lies with the heirs of the defunct party to the marriage. In all cases the Public Ministry shall be heard.

Art. 35. The action for nullity of marriage is not limited by time except when it is based on some of the impediments contained under sections 2, 4, and 5 of Article 4, or under sections 1 and 2 of Article 33, in which cases there is a limit of one year.

The year will be calculated from the time of the arrival of the contracting parties at the age of puberty in the case of the marriage of those below that age, and in other cases from the time when the circumstances giving rise to the suit have occurred. The action for nullity in the case of a deathbed marriage is also limited to a year, to be calculated from the date of the death of the sick party.

Art. 36. When the action for nullity is based on the existence of a previous marriage, the question of the validity or nullity of the first marriage shall, in the first place, be decided.

VII.—*Dissolution of Marriage.*

Art. 37. Marriages are dissolved—

1. By the natural death of either of the parties.
2. By the declaration of nullity legally pronounced.

Art. 38. Absence for ten years without intelligence of the party absent dissolves a marriage if the said party can be proved to be then, if alive, more than seventy years of age, and an absence for thirty years without intelligence of the absent party dissolves a marriage irrespective of age.

DENMARK.

No. 12.

Mr. Scott to the Earl of Rosebery.—(Received January 22.)

My Lord,

Copenhagen, January 19, 1894.

IN obedience to the instructions contained in your Lordship's Circular despatch of the 16th September last, I have the honour to supply the following information respecting the Marriage Laws of Denmark, for which I am indebted to the courtesy of the Danish Foreign Office.

MARRIAGE.

I.—*Conditions as to the Age for contracting Marriage.*

A man may not contract marriage until he has completed his 20th year, nor a woman until she has completed her 16th year; but power is given to the King to grant dispensations in regard to age, provided that not more than one year is required to complete the marriageable age of the contracting party, and that it can be shown that the individual conditions of intellectual and physical development offer no impediment to the marriage.

II.—*Other Conditions.*

Danish law naturally requires that the two contracting parties shall be in full possession of their reasoning faculties at the time of contracting marriage. It further

requires, for persons of both sexes under 25 years of age, the consent of the father, or, if he be dead, of the mother.

It prohibits marriage on the grounds of consanguinity between ascendants and descendants in the direct line, legitimate or illegitimate, and on the ground of affinity between persons connected in that line by marriage.

In the collateral line it prohibits marriage between brothers and sisters, legitimate or illegitimate, whether of the whole blood or half-blood on the father's or mother's side.

A man is further prohibited from contracting marriage with his aunt, great-aunt, or with the aunt of his deceased wife, with the widow of a brother, uncle, or deceased wife's uncle. But in these cases the King can grant a dispensation to raise the prohibition.

It is further necessary that neither of the contracting parties be bound by a previous contract of marriage, or by a valid promise of marriage to a third party. A widower or a widow cannot as a general rule contract a second marriage until after the lapse of a period of three months in the first case, and twelve months in the second, from the date of the death of the wife or husband.

Finally, marriage is prohibited between parties who have committed adultery together.

III.—*Solemnization of Marriage.*

(a.) Marriages are in ordinary cases solemnized by a minister of the National Church, and may take place at any hour of the day the parties desire.

(b.) The law has not fixed the fees payable to the minister for solemnizing a marriage, but the minister is authorized to claim a fee adapted to the position of the parties and to local custom. But in the exceptional case of a marriage by the civil authority, in accordance with the Law of the 13th April, 1851, the fees payable are fixed at 6 kroner (6s. 9d.)—[§ 7].

I.—*Cases of Divorce.*

(a.) A divorce can be obtained by judicial sentence on the ground of an act antecedent to marriage.

1. If one of the parties is impotent, and has concealed this infirmity.

2. If one of the parties is discovered to be affected with leprosy, has concealed the malady, and has communicated it to the other.

3. If one of the parties is found to be afflicted with incurable insanity.

(b.) Divorce can be obtained by judicial sentence on the ground of an act subsequent to marriage.

1. If one of the parties has been guilty of adultery.

2. If one of the parties has contracted a second marriage.

3. If one of the parties desert the conjugal domicile (*desertio malitiosa*), and thus cease cohabitation.

(c.) Finally, a divorce can be obtained by administrative decree—

1. If one of the parties has been sentenced to penal servitude for a period not less than three years.

2. In case of one of the parties becoming hopelessly insane.

3. If the parties have lived actually apart during a certain time (three years) in accordance with a decree of separation.

II.—*Expenses of Divorce.*

Whether the divorce be granted by judicial sentence or by administrative decree, persons without means are exempted from the payment of State charges. These charges are fixed at 33 kroner 66 öre (33 kroner = 36s.) in the case of an administrative decree of divorce. For a divorce by a judicial sentence the costs vary according to the duration and procedure of the case, and the difficulties involved. The costs are increased in appeal cases. In Courts of First Instance the fees amount to 10 kroner (11s. 3d.) or 15 kroner (16s. 10d.) at least, without reckoning the costs of legal assistance, which, however, may be afforded gratuitously to persons pleading *in formâ pauperis*.

Law of Civil Marriage.

The institution of civil marriage has been legalized for the exclusive purpose of providing an alternative when impediments exist to the solemnization of the religious marriage, as in the case of mixed marriages, or of one or of both of the parties not belonging to a religious community legally recognized in Denmark.

I have, &c.
(Signed) CHARLES S. SCOTT.

FRANCE.**No. 13.**

The Marquis of Dufferin to the Earl of Rosebery. — (Received January 6.)

My Lord,

Paris, January 4, 1894.

IN conformity with the request contained in your Lordship's Circular despatch of the 16th September last for a Report giving an outline of the Marriage Laws prevailing in France, the ages at which marriage can be contracted, the laws of prohibition, the forms in which the ceremony can be solemnized, and the fees charged, I have the honour to submit herewith the text of the "Code Civil" containing the Articles on marriage, with a translation thereof, in parallel columns.

There are no particular hours at which a marriage, in order to be legal, need be solemnized. In Paris the Mayors of the different arrondissements fix certain days and times for their own convenience, but on a special application they will perform the ceremony at any other time.

No fees are payable on the marriage, but it is the custom to give some small sum for the poor, and when a special time is fixed by the Mayor for the convenience of the party it is usual to give a substantial contribution to some charity designated by him. There are no fees on the publication of the marriage except the cost of stamped paper.

I have also the honour to append a Notice issued by the Mayors of several arrondissements showing in a concise form the documents which are required to be produced before the officer proceeds to the solemnization.

This Report has reference entirely to the municipal law, but, whilst the civil ceremony makes the marriage, in the eye of the law, every facility is afforded and encouragement given for the subsequent interposition of the religious office, and a certificate is furnished which must be produced to the officiating priest. The parties must arrange with the latter as to the order of such ceremony.

I have, &c.
(Signed) DUFFERIN AND AVA.

Inclosure in No. 13.

*Report on French Marriage Laws.**Text of the French Civil Code relating to Marriage.*Titre II.—*Des Actes de l'État Civil.*Title II.—*On Records of Civil Status.*Chapitre III.—*Des Actes de Mariages.*Chapter III.—*Of Records of Marriages.*

ARTICLE 63. Avant la célébration du mariage l'officier de l'État Civil fera deux publications, à huit jours d'intervalle, un jour de Dimanche, devant la porte de la maison commune. Ces publications, et l'acte qui en sera dressé, énonceront les prénoms, noms, professions, et domiciles des futurs époux, leur qualité de majeurs ou de mineurs, et les prénoms, noms, professions, et domiciles de leurs pères et mères. Cet acte énoncera en outre les jours, lieux, et heure ou les publications auront été faites; il sera inscrit sur un seul registre, qui sera coté et paraphé comme il est dit en l'Article 41, et déposé à la fin de chaque année au greffe du Tribunal de l'arrondissement.

ARTICLE 63. Before the celebration of a marriage the civil authority (Mayor or Delegate) shall make two publications on Sundays, at a week's interval, on the door of the Town Hall. These publications, and the act which shall be drawn up attesting the same, shall set forth the Christian names, surnames, professions, and domiciles of the parties about to be married, whether they are major or minor, and the Christian names, surnames, professions, and domiciles of their fathers and mothers. This act shall set forth further the days, places, and hours at which the publications shall have been made; it shall be inscribed on one single register, which shall be paged and initialled as directed in Article 41, and deposited at the end of every year at the office of the Clerk of the Court of the arrondissement.

Art. 64. Un extrait de l'acte de publication sera et restera affiché à la porte de la Maison Commune, pendant les huit jours d'intervalle de l'une à l'autre publication.

Art. 64. An extract of the act of publication shall be posted on the door of the Town Hall, and remain there during the interval of eight days between the two publications.

Le mariage ne pourra être célébré avant le troisième jour depuis et non compris celui de la seconde publication.

The marriage shall not be celebrated until the third day after that of the second publication.

Art. 65. Si le mariage n'a pas été célébré dans l'année, à compter de l'expiration du délai des publications il ne pourra plus être célébré qu'après que de nouvelles publications auront été faites dans la forme ci-dessus prescrite.

Art. 65. Where a marriage has not been celebrated within a year counting from the period of last publication, it shall not be celebrated until new publications have been made according to the formalities hereinbefore prescribed.

Art. 66. Les actes d'oppositions au mariage seront signés, sur l'original et sur la copie, par les opposants ou par leurs fondés de procuration spéciale et authentique; ils seront signifiés avec la copie de la procuration à la personne ou au domicile des parties et à l'officier de l'État Civil, qui mettra son visa sur l'original.

Art. 66. Oppositions (*caveats*) to a marriage shall be signed, both in original and copy, by the parties opposing, or by their attorneys specially appointed therefor by a power executed before a notary; the oppositions shall be served with a copy of the power upon the party or at his domicile and upon the civil authority, who shall place his mark on the original.

Art. 67. L'officier de l'État Civil fera, sans délai, une mention sommaire des oppositions sur le registre des publications; il fera aussi mention, en marge de l'inscription des dites oppositions, des jugements ou des actes de mainlevée dont l'expédition lui aura été remise.

Art. 67. The civil authority shall without delay make a memorandum of the oppositions on the register of publications; he shall likewise make mention, on the margin of the inscription of the said oppositions, of the judgments and withdrawals which shall have been served on him.

Art. 68. En cas d'opposition, l'officier de l'État Civil ne pourra célébrer le mariage avant qu'on lui en ait remis la mainlevée, sous peine de 300 francs d'amende, et de tous dommages-intérêts.

Art. 69. S'il n'y a point d'opposition, il en sera fait mention dans l'acte de mariage, et si les publications ont été faites dans plusieurs communes, les parties remettront un certificat délivré par l'officier de l'État Civil de chaque commune, constatant qu'il n'existe point d'opposition.

Art. 70. L'officier de l'État Civil se fera remettre l'acte de naissance de chacun des futurs époux. Celui des époux qui serait dans l'impossibilité de se le procurer pourra le suppléer, en rapportant un acte de notoriété délivré par le Juge de Paix du lieu de sa naissance, ou par celui de son domicile.

Art. 71. L'acte de notoriété contiendra la déclaration faite par sept témoins, de l'un ou de l'autre sexe, parents ou non parents, des prénoms, nom, profession, et domicile du futur époux, et de ceux de ses père et mère, s'ils sont connus; le lieu, et, autant que possible, l'époque de sa naissance et les causes qui empêchent d'en rapporter l'acte. Les témoins signeront l'acte de notoriété avec le Juge de Paix; et s'il en est qui ne puissent ou ne sachent signer, il en sera fait mention.

Art. 72. L'acte de notoriété sera présenté au Tribunal de Première Instance du lieu où doit se célébrer le mariage. Le Tribunal, après avoir entendu le Procureur de la République, donnera ou refusera son homologation selon qu'il trouvera suffisantes ou insuffisantes les déclarations des témoins, et les causes qui empêchent de rapporter l'acte de naissance.

Art. 73. L'acte authentique du consentement des père et mère ou aïeuls et aïeules, ou, à leur défaut, celui de la famille, contiendra les prénoms, noms, professions, et domicile du futur époux, et de tous ceux qui auront concouru à l'acte, ainsi que leur degré de parenté.

Art. 74. Le mariage sera célébré dans la commune ou l'un des deux époux aura son domicile. Ce domicile, quant au mariage, s'établira par six mois d'habitation continue dans la même commune.

Art. 75. Le jour désigné par les parties après les délais de publications, l'officier de

Art. 68. Where opposition has been made, the civil authority shall not be at liberty to celebrate a marriage until he shall have had a withdrawal served upon him, under penalty of a fine of 300 fr. in addition to damages.

Art. 69. If there has been no opposition, a memorandum thereof shall be made in the record of marriage, and where publications have been made in several communes, the parties shall produce a certificate from the officer of each of the communes certifying that there is no opposition.

Art. 70. The civil authority shall require the certificate of birth of each party about to be married. If either party be unable to procure it, it may be replaced by an "acte de notoriété"* drawn up by the "Juge de Paix" at the party's place of birth, or at that of his domicile.

Art. 71. The "acte de notoriété" shall contain the declaration of seven witnesses of either sex, relations or otherwise, the Christian names, surnames, professions, and place of residence of the future husband or wife, and those of the father and mother, if they are known; the place and, as nearly as possible, the date of birth, and the reasons why the certificate of birth cannot be produced. The witnesses shall sign the "acte de notoriété" with the "Juge de Paix," and if any of them are unable or do not know how to sign their names, mention shall be made of the fact.

Art. 72. The "acte de notoriété" shall be presented to the Court of First Instance in the place where the marriage is to be celebrated. The Court, after having heard the "Procureur de la République," shall give or refuse its approval according as it shall consider the declarations of the witnesses, and the reasons which prevent the production of the certificate of birth, to be sufficient or insufficient.

Art. 73. The notarial instrument setting forth the consent of the fathers and mothers, or of the grandfathers and grandmothers, or, in default of these, that of the family, must contain the Christian names, surnames, professions, and domiciles of the future husband or wife, and of all those who have joined in the instrument, together with their degree of relationship.

Art. 74. The marriage shall be celebrated in the commune in which one or other of the parties has a domicile. This domicile, as regards marriage, shall be established by six months' continued residence within the same commune.

Art. 75. On the day appointed by the parties after the periods of publication, the

* The equivalent of a statutory declaration in England.

l'État Civil, dans la Maison Commune, en présence de quatre témoins, parents ou non parents, fera lecture aux parties, des pièces ci-dessus mentionnées, relatives à leur état et aux formalités du mariage, et du Chapitre VI du titre du "Mariage" sur "Les Droits et les Devoirs respectifs des Époux."

Il interpellera les futurs époux, ainsi que les personnes qui autorisent le mariage, si elles sont présentes, d'avoir à déclarer s'il a été fait un contrat de mariage, et, dans le cas de l'affirmatif, la date de ce contrat, ainsi que les noms et lieu de résidence du notaire qui l'aura reçu. Il recevra de chaque partie, l'une après l'autre, la déclaration qu'elles veulent se prendre pour mari et femme: il prononcera, au nom de la loi, qu'elles sont unies par le mariage, et il en dressera acte sur le champ.

Art. 76. On énoncera dans l'acte de mariage :—

1. Les prénoms, noms, professions, âges, lieux de naissance, et domiciles des époux.

2. S'ils sont majeurs ou mineurs.

3. Les prénoms, noms, professions, et domiciles des père et mère.

4. Le consentement des père et mère, aïeuls et aïeules, et celui de la famille, dans le cas où ils sont requis.

5. Les actes respectueux s'ils en a été fait.

6. Les publications dans les divers domiciles.

7. Les oppositions, s'il y a en a eu; leur mainlevée, ou la mention qu'il n'y a point eu d'opposition.

8. La déclaration des contractants de se prendre pour époux, et le prononcé de leur union par l'officier public.

9. Les prénoms, noms, âges, professions, et domiciles des témoins, et leur déclaration s'ils sont parents ou alliés des parties, de quel côté et à quel degré.

10. La déclaration faite sur l'interpellation prescrite par l'Article précédent, qu'il a été ou qu'il n'a pas été fait de contrat de mariage, et, autant que possible, de la date du contrat, s'il existe, ainsi que les noms et lieux de résidence du notaire qui l'aura reçu; le tout à peine, contre l'officier de l'État Civil, de l'amende fixée par l'Article 50.

Dans le cas où la déclaration aurait été omise ou serait erronée, la rectification de

civil authority shall, in the Town Hall,* in the presence of four witnesses, relations or not relations, read to the parties the before-mentioned papers, relating to their status and to the formalities of marriage, and Chapter VI of the Title of "Marriage" as to "The respective Rights and Duties of Married Persons."

He shall ask the parties, as well as those who authorize the marriage, if they are present, to declare whether a marriage settlement has been executed; and in case it has, to give the date of the contract, as well as the names and place of residence of the notary before whom it was drawn. He shall obtain from each party, in succession, a declaration that they are willing to take one another for husband and wife; he shall pronounce, in the name of the law, that they are united in marriage, and he shall forthwith draw up a declaration to that effect.

Art. 76. The record (act) of marriage shall set forth—

1. The Christian names, surnames, professions, ages, places of birth, and domiciles of the married persons.

2. Whether they are of full age or minors.

3. The Christian names, surnames, professions, and domiciles of the fathers and mothers.

4. The consent of the fathers and mothers, the grandfathers and grandmothers, and that of the family in cases in which they are requisite.

5. The "actes respectueux," if any.

6. The publications at the different places of domicile.

7. The oppositions, if any have been made; the withdrawal of them, or a memorandum that no opposition has been made.

8. The consent of the contracting parties to take one another as husband and wife, and the declaration of their union by the officer.

9. The Christian names, surnames, ages, professions, and domiciles of the witnesses, and their declaration whether they are related or connected to the parties, on which side, and in what degree.

10. The declaration made in answer to the question prescribed in the preceding Article, whether a marriage settlement has been executed or not, and as nearly as possible the date of the contract, the names and place of residence of the notary before whom it was executed; the whole under penalty to the civil authority of the fine fixed by Article 50.

In case the declaration is omitted or erroneous, an application to amend it as re-

* In cases of sickness, &c., the ceremony may take place in a private house.

l'acte, en ce qui touche l'omission de l'erreur, pourra être demandée par le Procureur de la République, sans préjudice du droit des parties intéressées, conformément à l'Article 99.

Titre V.—*Du Mariage.*

Chapitre 1^{er}.—Des Qualités et Conditions requises pour pouvoir contracter Mariage.

Art. 144. L'homme avant 18 ans révolus, la femme avant 15 ans révolus, ne peuvent contracter mariage.

Art. 145. Néanmoins, il est loisible au Président de la République d'accorder des dispenses d'âge pour motifs graves.

Art. 146. Il n'y a pas de mariage lorsqu'il n'y a point de consentement.

Art. 147. On ne peut contracter un second mariage avant la dissolution du premier.

Art. 148. Le fils qui n'a pas atteint l'âge de 25 ans accomplis, la fille qui n'a pas atteint l'âge de 21 ans ne peuvent contracter mariage sans le consentement de leurs père et mère. En cas de dissentiment, le consentement du père suffit.

Art. 149. Si l'un des deux est mort, ou s'il est dans l'impossibilité de manifester sa volonté, le consentement de l'autre suffit.

Art. 150. Si le père et la mère sont morts, ou s'ils sont dans l'impossibilité de manifester leur volonté, les aïeuls et aïeules les remplacent. S'il y a dissentiment entre l'aïeul et l'aïeule de la même ligne, il suffit du consentement de l'aïeul. S'il y a dissentiment entre les deux lignes, ce partage emportera consentement.

Art. 151. Les enfants de famille ayant atteint la majorité fixée par l'Article 148, sont tenus, avant de contracter mariage, de demander, par un acte respectueux et formel,* le conseil de leur père et de leur mère, ou celui de leurs aïeuls et aïeules, lorsque leur père et leur mère sont décédés ou dans l'impossibilité de manifester leur volonté.

gards the omission of the error may be made by the "Procureur de la République," without prejudice to the rights of interested parties as provided in Article 99.

Title V.—*Of Marriage.*

Chapter I.—Of the Capacity of the Parties
and of the Conditions required in order to
contract Marriage.

Art. 144. A man cannot marry until he has completed his 18th year, and a woman until she has completed her 15th year.

Art. 145. Nevertheless, the President of the Republic may grant dispensations of age upon weighty considerations.

Art. 146. There is no marriage where consent is wanting.

Art. 147. A second marriage cannot be contracted before the dissolution of the first.

Art. 148. The son who has not attained his 25th year, the daughter who has not attained her 21st year, cannot contract marriage without the consent of their father and mother. In case of disagreement, the consent of the father is sufficient.

Art. 149. If one of the two be dead, or incapable of manifesting his or her will, the consent of the other is sufficient.

Art. 150. If the father and mother are dead, or if they are incapable of manifesting their will, the grandfathers and grandmothers shall supply their place. If there be a disagreement between the grandfather and grandmother of the same line, the consent of the grandfather shall suffice. If there be disagreement between the two lines, this disagreement shall be equivalent to consent.

Art. 151. Where the children of a family have attained the majority fixed by Article 148, they must, previously to contracting marriage, request, in an instrument couched in respectful and formal terms,* the advice of their father and mother, or that of their grandfathers and grandmothers when their father and mother are dead or incapable of manifesting their will.

* The "acte respectueux" is altogether peculiar, and it has been thought advisable not to attempt to translate it. The nature of it is sufficiently explained in the text. The following is the form of an "acte respectueux":—

"'Acte respectueux' à défaut de consentement.

" Première Réquisition et Notification séparées.

" L'an le à heures du matin. A , Rue , en
 l'étude de M^e , Notaire.
 " Par-devant le dit M^e , Notaire à , soussigné.
 " Assisté de M. et M. , témoins instrumentaires.

Art. 152. Depuis la majorité fixée par l'Article 148, jusqu'à l'âge de 30 ans accomplis pour les fils, et jusqu'à l'âge de 25 ans accomplis pour les filles, l'acte respectueux prescrit par l'Article précédent et sur lequel il n'y aurait pas de consentement au mariage, sera renouvelé deux autres fois de mois en mois; et un mois après le troisième acte, il pourra être passé outre à la célébration du mariage.

Art. 153. Après l'âge de 30 ans, il pourra être, à défaut de consentement sur un acte respectueux, passé outre, un mois après, à la célébration du mariage.

Art. 154. L'acte respectueux sera notifié à celui ou ceux des ascendants désignés en l'Article 151, par deux notaires ou par un notaire et deux témoins; et, dans le procès-verbal qui doit en être dressé, il sera fait mention de la réponse.

Art. 155. En cas d'absence de l'ascendant auquel eût dû être fait l'acte respectueux, il sera passé outre à la célébration du mariage, en représentant le Jugement qui aurait été

Art. 152. From the age of majority fixed in Article 148 to the completion of 30 years for sons, and until the completion of 25 years for daughters, the "acte respectueux" required by the preceding Article shall, in case consent to the marriage shall not have been given, be served a second and a third time from month to month; and one month after the service of the third it shall be lawful to proceed to the celebration of the marriage.

Art. 153. After the completion of 30 years it shall be lawful, in default of consent, after the expiration of a month from the service of an "acte respectueux," to proceed to the celebration of the marriage.

Art. 154. The "acte respectueux" shall be served upon such person or persons of the ascending line as are set forth in Article 151, by two notaries, or by one notary and two witnesses; and, in the certificate which shall be drawn up thereof, mention shall be made of the answer made thereto.

Art. 155. In case of the absence of the ascendant upon whom the "acte respectueux" ought to have been served, the celebration of the marriage may be proceeded

"A comparu M. Louis-Théodore Dubois, employé au Ministère de _____, demeurant à Paris, Rue _____, No. _____,

"Majeur de plus de 25 ans, étant né à _____, le _____, du mariage d'entre M. Abraham Dubois, propriétaire, et Mme. Adeline Hedouin, demeurant ensemble à _____, rue _____, ainsi qu'il en a justifié par la représentation d'un extrait de son acte de naissance qui lui a été de suite rendu.

"Lequel a déclaré que, par ces présentes, il demande respectueusement à M. et Mme. Dubois, ses père et mère, leur conseil sur le mariage qu'il se propose de contracter avec Mlle. Noémi Duhamel, sans profession, demeurant à _____, rue _____, No. _____, chez ses père et mère, née à _____, le _____, du mariage d'entre M. Louis Duhamel, négociant, et Mme. Victorine Masson.

"Et il a requis M^e _____, notaire soussigné, de se transporter au domicile de M. et Mme. Dubois, ses père et mère, pour leur faire la notification du présent acte respectueux.

"Et après lecture, le comparant a signé avec les témoins et le notaire."

(Signatures.)

"Notification.

"Présence des Père et Mère.

"Et le même jour _____, à _____. En conséquence de la réquisition contenue en l'acte de ce jour, dont la Minute précède.

"M^e _____, notaire à _____, soussigné, toujours assisté de M. _____ et M. _____, témoins instrumentaires.

"S'est transporté avec les témoins au domicile, à _____, rue _____, de M. et Mme. Dubois père et mère ci-dessus nommés.

"Et il leur a notifié, en parlant à leurs personnes, l'acte respectueux dont la Minute précède, et par lequel M. Louis Théodore Dubois, leur fils, demande respectueusement leur conseil, sur le mariage qu'il se propose de contracter avec Mlle. Noémi Duhamel, sans profession, demeurant à _____, rue _____, chez ses père et mère ci-dessus nommés.

"Sur l'interpellation faite, M. et Mme. Dubois ont dit, savoir :—

"M. Dubois, que par les motifs qu'il a déjà fait connaître à son fils, et qu'il ne croit pas utile de répéter ici, il désapprouve le mariage projeté, et persévère dans son refus d'y consentir.

"Et Mme. Dubois, que par les mêmes motifs elle refuse aussi son consentement.

"Et après lecture M. et Mme. Dubois ont signé.

(Signatures.)

"De tout ce que dessus, il a été dressé le présent procès-verbal qui a été rédigé au domicile de M. et Mme Dubois.

"Les jour, mois et an susdits.

"Et à l'instant, M^e _____, notaire soussigné, a laissé à M. Dubois et à Mme. Dubois séparément, une copie signée des notaire et témoins tant du présent procès-verbal que de l'acte respectueux qui précède.

"Après lecture, les notaire et témoins ont signés."

(Signatures.)

rendu pour déclarer l'absence, ou, à défaut de ce Jugement, celui qui aurait ordonné l'enquête, ou, s'il n'y a point encore eu de Jugement, un acte de notoriété délivré par le Juge de Paix du lieu où l'ascendant a eu son dernier domicile connu. Cet acte contiendra la déclaration de quatre témoins appelés d'office par ce Juge de Paix.

Art. 156. Les officiers de l'État Civil qui auraient procédé à la célébration des mariages contractés par des fils n'ayant pas atteint l'âge de 25 ans accomplis, ou par des filles n'ayant pas atteint l'âge de 21 ans accomplis, sans que le consentement des pères et mères, celui des aïeuls et aïeules et celui de la famille, dans le cas où ils sont requis, soient énoncés dans l'acte de mariage, seront, à la diligence des parties intéressées et du Procureur de la République près le Tribunal de Première Instance du lieu où le mariage aura été célébré, condamnés à l'amende portée par l'Article 192, et, en outre, à un emprisonnement dont la durée ne pourra être moindre de six mois.

Art. 157. Lorsqu'il n'y aura pas eu d'actes respectueux, dans les cas où ils sont prescrits, l'officier de l'État Civil qui aurait célébré le mariage, sera condamné à la même amende, et à un emprisonnement qui ne pourra être moindre d'un mois.

Art. 158. Les dispositions contenues aux Articles 148 et 149 et les dispositions des Articles 151, 152, 153, 154, et 155, relatives à l'acte respectueux qui doit être fait aux père et mère dans le cas prévu par ces Articles, sont applicables aux enfants naturels légalement reconnus.

Art. 159. L'enfant naturel qui n'a point été reconnu, et celui qui, après l'avoir été, a perdu ses père et mère, et dont les père et mère ne peuvent manifester leur volonté, ne pourra avant l'âge de 21 ans révolus, se marier qu'après avoir obtenu le consentement d'un tuteur *ad hoc* qui lui sera nommé.

Art. 160. S'il n'y a ni père ni mère, ni aïeuls ni aïeules, ou s'ils se trouvent tous dans l'impossibilité de manifester leur volonté, les fils ou les filles mineurs de 21 ans ne peuvent contracter mariage sans le consentement du conseil de famille.

Art. 161. En ligne directe, le mariage est prohibé entre tous les ascendants et descendants, légitimes ou naturels, et les alliés dans la même ligne.

Art. 162. En ligne collatérale, le mariage est prohibé entre le frère et la sœur légitimes ou naturels, et les alliés au même degré.

with, upon the production of either a Judgment declaring the absence, or, in default of that Judgment, of the one ordering an inquiry, or, if there has again been no Judgment, of an "acte de notoriété" delivered by the "Juge de Paix" of the place where the ascendant had his last known domicile. This act shall contain the deposition of four witnesses selected and called by that "Juge de Paix."

Art. 156. Officers who shall have proceeded to the celebration of the marriage of a son who has not completed his 25th year, or of a daughter who has not completed her 21st year, without the consent of the father and mother, that of the ascendants, and that of the family in case they are required, being set forth in the marriage record, shall, upon the prosecution of the parties interested and of the "Procureur de la République" attached to the Tribunal of First Instance of the place where the marriage shall have been celebrated, be sentenced to the fine provided in Article 192, and also to imprisonment for not less than six months.

Art. 157. Where "actes respectueux" shall not have been served in cases in which they are prescribed, the officer who shall have celebrated the marriage shall incur the same fine, and an imprisonment of not less than one month.

Art. 158. The provisions of Articles 148 and 149, and those of Articles 151, 152, 153, 154, and 155 regarding the "acte respectueux" required to be served upon the father and mother in the case provided for by those Articles, are applicable to illegitimate children who have been legally recognized.

Art. 159. Illegitimate children who have not been acknowledged, and those who after having been so have lost their father and mother, or whose father and mother are unable to manifest their will, shall not be at liberty before the completion of their 21st year to marry without the consent of a guardian *ad hoc* who shall be nominated.

Art. 160. If there be neither father or mother nor ascendants, or if they be all found to be unable to manifest their will, the sons or daughters below the age of 21 cannot contract marriage without the consent of the family council.

Art. 161. Marriage is prohibited in the direct line between all ascendants and descendants, legitimate or illegitimate, and between all connections by marriage in the same line.

Art. 162. In the collateral line marriage is prohibited between brother and sister, whether legitimate or illegitimate, and between connections by marriage in the same degree.

Art. 163. Le mariage est encore prohibé entre l'oncle et la nièce, la tante et le neveu.

Art. 164. Néanmoins, il est loisible au Président de la République de lever, pour des causes graves, les prohibitions portées par l'Article 162 aux mariages entre beaux-frères et belles-sœurs, et par l'Article 163, aux mariages entre l'oncle et la nièce, la tante et le neveu.*

Chapitre II.—*Des Formalités relatives à la Célébration du Mariage.*

Art. 165. Le mariage sera célébré publiquement, devant l'officier civil du domicile de l'une des deux parties.

Art. 166. Les deux publications ordonnées par l'Article 63, au titre des "Actes de l'État Civil," seront faites à la Municipalité du lieu où chacune des parties contractantes aura son domicile.

Art. 167. Néanmoins, si le domicile actuel n'est établi que par six mois de résidence, les publications seront faites en outre à la Municipalité du dernier domicile.†

Art. 168. Si les parties contractantes, ou l'une d'elles, sont, relativement au mariage, sous la puissance d'autrui, les publications seront encore faites à la Municipalité du domicile de ceux sous la puissance desquels elles se trouvent.

Art. 169. Il est loisible au Président de la République ou aux officiers qu'il proposera à cet effet, de dispenser, pour des causes graves, de la seconde publication.

Art. 170. Le mariage contracté en pays étranger entre Français, et entre Français et étranger, sera valable, s'il a été célébré dans les formes usitées dans le pays, pourvu qu'il ait été précédé des publications prescrites par l'Article 63, au titre des "Actes de l'État Civil," et que le Français n'ait point contrevenu aux dispositions contenues au chapitre précédent.

Art. 171. Dans les trois mois après le retour du Français sur le territoire de la République l'acte de célébration du mariage contracté en pays étranger sera transcrit sur le registre public des mariages du lieu de son domicile.

Art. 163. Marriage is also prohibited between uncle and niece, aunt and nephew.

Art. 164. It shall be lawful, nevertheless, for the President of the Republic, on weighty grounds, to remove the prohibitions enacted in Article 162 against marriages between brothers and sisters-in-law, and, in Article 163, against marriages between uncle and niece, aunt and nephew.*

Chapter II.—*Of the Formalities relative to the Celebration of Marriage.*

Art. 165. The marriage shall be celebrated publicly before the civil officer of the domicile of one of the two parties.

Art. 166. The two publications directed by Article 63, under the title "On Records of Civil Status," shall be made at the Town Hall of the place where each of the contracting parties is domiciled.

Art. 167. Nevertheless, where the present domicile is only established by six months' residence, the publications shall be also made at the Town Hall of the last domicile.†

Art. 168. If the contracting parties, or one of them, is or are as regards marriage subject to the control of others, the publications shall also be made at the Town Hall of the domicile of those persons to whose control they are subject.

Art. 169. The President of the Republic, or the officers whom he shall delegate for the purpose, shall be at liberty, for weighty reasons, to dispense with the second publication.

Art. 170. A marriage contracted in a foreign country between French citizens, and between a French citizen and a foreigner, shall be valid if celebrated according to the forms used in that country, provided that it has been preceded by the publications prescribed in Article 63, under the title "Records of Civil Status," and that the Frenchman has not infringed the regulations contained in the preceding chapter.

Art. 171. Within three months after the return of a Frenchman to the territory of the Republic, the record of the celebration of the marriage contracted in a foreign country shall be transcribed in the public register of marriages at the place of his domicile.

* A Circular of the Minister of Justice of the 10th May, 1824, provides that foreigners must obtain these dispensations, even though the law of their country do not forbid marriage in such cases. And in case the law of their nationality forbid marriage, a Ministerial decision of the 26th February, 1840, and of the 4th July, 1844, provides that dispensation must be obtained from their own Government, the French Government not being willing to grant them to any but its own citizens, except in case the law of the country to which the aliens belong do not forbid marriage in such cases.

† A Circular issued by the Minister of Justice, 14th March, 1831, expressly provides that a foreigner, if he has not resided in France more than six months, shall be required to publish his intended marriage in his own country, even though he may have attained majority, but the authorities in practice will accept from the English Ambassador, or officer designated by him, a certificate of custom stating that publication is not provided for by English law, and they will also dispense with the consent of parents on production of a like certificate.

Chapitre III.—*Des Oppositions au Mariage.*

Art. 172. Le droit de former opposition à la célébration de mariage appartient à la personne engagée par mariage avec l'une des deux parties contractantes.

Art. 173. Le père, et, à défaut du père, la mère, et, à défaut de père et mère, les aïeuls et aïeules, peuvent former opposition au mariage de leurs enfants et descendants, encore que ceux-ci aient 25 ans accomplis.

Art. 174. A défaut d'aucun ascendant, le frère ou la sœur, l'oncle ou la tante, le cousin ou la cousine germains, majeurs, ne peuvent former aucune opposition que dans les deux cas suivants :—

1. Lorsque le consentement du conseil de famille requis par l'Article 160 n'a pas été obtenu.

2. Lorsque l'opposition est fondée sur l'état de démence du futur époux.

Cette opposition, dont le Tribunal pourra prononcer mainlevée pure et simple, ne sera jamais reçue qu'à la charge, par l'opposant de provoquer l'interdiction, et d'y faire statuer dans le délai qui sera fixé par le Jugement.

Art. 175. Dans les deux cas prévus par le précédent Article le tuteur ou curateur ne pourra, pendant la durée de la tutelle ou curatelle, former opposition qu'autant qu'il aura été autorisé par un conseil de famille, qu'il pourra convoquer.

Art. 176. Tout acte d'opposition énoncera la qualité qui donne à l'opposant le droit de la former. Il contiendra élection de domicile dans le lieu où le mariage devra être célébré. Il devra également, à moins qu'il ne soit fait à la requête d'un ascendant, contenir les motifs de l'opposition. Le tout à peine de nullité, et de l'interdiction de l'officier ministériel qui aurait signé l'acte contenant opposition.

Art. 177. Le Tribunal de Première Instance prononcera dans les dix jours sur la demande en mainlevée.

Art. 178. S'il y a appel, il y sera statué dans les dix jours de la citation.

Art. 179. Si l'opposition est rejetée, les opposants, autres néanmoins que les ascendants pourront être condamnés à des dommages-intérêts.

Chapitre IV.—*Des Demandes en Nullité de Mariage.*

Art. 180. Le mariage qui a été contracté sans le consentement libre des deux époux, ou de l'un d'eux, ne peut être attaqué que par les époux, ou par celui des deux dont le

Chapter III.—*Of Oppositions to Marriage.*

Art. 172. Any person already married to one of the two contracting parties has the right to file an opposition to the celebration of marriage.

Art. 173. The father, and, in default of the father, the mother, and, in default of the father and mother, the ascendants, may file an opposition to the marriage of their children and descendants, even though they have completed their 25th year.

Art. 174. In default of ascendants, the brother or sister, the uncle or aunt, the cousin or cousin-german, provided they are of age, can only file an opposition in the two following cases :—

1. Where the consent of the family council required by Article 160 has not been obtained.

2. Where the opposition is founded on the insanity of the proposed party to the marriage.

This opposition, which it is in the discretion of the Court to discharge, shall not be maintained unless the opposing party bring an action for interdiction, and obtain an order therefor within the interval fixed by the order maintaining the opposition.

Art. 175. In the two cases contemplated by the preceding Article, the guardian or curator shall not, during the continuance of the guardianship or curatorship, make opposition, except so far as he shall have been authorized by a family council, which he is at liberty to convoke for this purpose.

Art. 176. Every opposition shall set forth the capacity which gives to the party the right to make it. It shall contain election of domicile in the place where the marriage is to be celebrated. It shall in like manner, unless it be made at the request of an ascendant, contain the motives therefor. The absence of any one of the above conditions shall render the opposition null and void, and shall subject the officer who may have signed it to suspension.

Art. 177. The Court of First Instance shall render a decision within ten days after the application to discharge.

Art. 178. If appeal be entered, a decision shall be rendered within ten days from service of notice of appeal.

Art. 179. If the opposition be set aside, the opposing parties, with the exception of ascendants, may be ordered to pay damages.

Chapter IV.—*Of Actions to annul Marriage.*

Art. 180. An action to annul a marriage contracted without the free consent of the married persons, or of one of them, can only be brought by the married person or persons

consentement n'a pas été libre. Lorsqu'il y a eu erreur dans la personne, le mariage ne peut être attaqué que par celui des deux époux qui a été induit en erreur.

Art. 181. Dans le cas de l'Article précédent, la demande en nullité n'est plus recevable, toutes les fois qu'il y a eu cohabitation continuée pendant six mois depuis que l'époux a acquis sa pleine liberté ou que l'erreur a été par lui reconnue.

Art. 182. Le mariage contracté sans le consentement des père et mère, des ascendants, ou du conseil de famille, dans les cas où ce consentement était nécessaire, ne peut être attaqué, que par ceux dont le consentement était requis, ou par celui des deux époux qui avait besoin de ce consentement.

Art. 183. L'action en nullité ne peut plus être intentée, ni par les époux, ni par les parents dont le consentement était requis, toutes les fois que le mariage a été approuvé expressément ou tacitement par ceux dont le consentement était nécessaire, ou lorsqu'il s'est écoulé une année sans réclamation de leur part, depuis qu'ils ont eu connaissance du mariage. Elle ne peut être intentée non plus par l'époux, lorsqu'il s'est écoulé une année sans réclamation de sa part, depuis qu'il a atteint l'âge compétent pour consentir par lui-même au mariage.

Art. 184. Tout mariage contracté en contravention aux dispositions contenues aux Articles 144, 147, 161, 162, et 163, peut être attaqué soit par les époux eux-mêmes, soit par ceux qui y ont intérêt, soit par le Ministère Public.

185. Néanmoins, le mariage contracté par des époux qui n'avaient pas encore l'âge requis, ou dont l'un des deux n'avait point atteint cet âge, ne peut plus être attaqué, (1) lorsqu'il s'est écoulé six mois depuis que cet époux ou les époux ont atteint l'âge compétent; (2) lorsque la femme qui n'avait point cet âge, a conçu avant l'échéance de six mois.

Art. 186. Le père, la mère, les ascendants et la famille qui ont consenti au mariage contracté dans le cas de l'Article précédent, ne sont point recevables à en demander la nullité.

Art. 187. Dans tous les cas où, conformément à l'Article 184, l'action en nullité peut être intentée par tous ceux qui y ont un intérêt, elle ne peut l'être par les parents collatéraux, ou par les enfants nés d'un autre mariage, du vivant des deux époux, mais seulement lorsqu'ils y ont un intérêt né et actuel.

whose consent has not been free. Where mistake has occurred in the person, an action to annul the marriage may only be brought by the party who has been mistaken.

Art. 181. In the case mentioned in the preceding Article no action to annul the marriage can be brought if there has been cohabitation continued during six months after the party to the marriage has acquired complete liberty of action or after the mistake has been discovered by him or her.

Art. 182. No action can be brought to annul a marriage contracted without the consent of the father and mother, of the ascendants, or of the family council, in cases where such consent was necessary, except by those whose consent was requisite, or by such of the two married persons as had need of that consent.

Art. 183. Action to annul a marriage can no longer be brought either by the married persons, or by the relations whose consent was required, when the marriage has been approved, either expressly or tacitly, by those whose consent was necessary; or when a year has elapsed since they had cognizance of the marriage. Nor can such action be brought by a party to the marriage if a year has elapsed without protest on his part since he attained the age at which he could of himself consent to the marriage.

Art. 184. An action may be brought to annul any marriage contracted in violation of the provisions of Articles 144, 147, 161, 162, and 163, either by the parties themselves, or by those who have an interest therein, or by the "Ministère Public."

Art. 185. Nevertheless, action can no longer be brought to annul a marriage contracted by parties who have not yet reached the required age, or of whom one had not attained that age: (1) when six months have expired since the married person or persons have attained the competent age; (2) when the woman who had not reached that age has conceived before the expiration of six months.

Art. 186. No action can be brought to annul a marriage contracted under the circumstances set forth in the preceding Article by the father, the mother, the ascendants, or the family who have consented to the marriage.

Art. 187. In all cases where, conformably to Article 184, an action to annul a marriage may be brought by any of those who have an interest therein, such suit may not be brought by collateral relations, or the children born of another marriage during the life of the two married parties, but only when they have an actual and existing interest therein.

Art. 188. L'époux au préjudice duquel a été contracté un second mariage, peut en demander la nullité, du vivant même de l'époux qui était engagé avec lui.

Art. 189. Si les nouveaux époux opposent la nullité du premier mariage, la validité ou la nullité de ce mariage doit être jugée préalablement.

Art. 190. Le Procureur de la République, dans tous les cas auxquels s'applique l'Article 184, et sous les modifications portées en l'Article 185, peut et doit demander la nullité du mariage, du vivant des deux époux, et les faire condamner à se séparer.

Art. 191. Tout mariage qui n'a point été contracté publiquement, et qui n'a point été célébré devant l'officier public compétent peut être attaqué par les époux eux-mêmes, par les père et mère, par les ascendants et par tous ceux qui y ont un intérêt né et actuel, ainsi que par le Ministère Public.

Art. 192. Si le mariage n'a point été précédé des deux publications requises, ou s'il n'a pas été obtenu des dispenses permises par la loi, ou si les intervalles prescrits dans les publications et célébration n'ont point été observés, le Procureur de la République fera prononcer contre l'officier public une amende qui ne pourra excéder 300 fr., et contre les parties contractantes ou ceux sous la puissance desquels elles ont agi, une amende proportionnée à leur fortune.

Art. 193. Les peines proposées par l'Article précédent seront encourues par les personnes qui y sont désignées, pour toute contravention aux règles prescrites par l'Article 165, lors même que les contraventions ne seraient pas jugées suffisantes pour faire prononcer la nullité du mariage.

Art. 194. Nul ne peut réclamer le titre d'époux, et les effets civils du mariage, s'il ne représente un acte de célébration inscrit sur le Registre de l'État Civil, sauf les cas prévus par l'Article 46, au titre des "Actes de l'État Civil."

Art. 195. La possession d'état ne pourra dispenser les prétendus époux qui l'invoqueront respectivement, de représenter l'acte de célébration du mariage devant l'officier de l'État Civil.

Art. 196. Lorsqu'il y a possession d'état, et que l'acte de célébration du mariage devant l'officier de l'État Civil est représenté, les époux sont respectivement non recevables à demander la nullité de cet acte.

Art. 197. Si néanmoins, dans le cas des Articles 194 et 195, il existe des enfants

Art. 188. A husband or wife, to the injury of whom a second marriage has been contracted, may bring an action to annul it only during the life of the party who was married to him or her.

Art. 189. If the parties to the second marriage plead the nullity of the first marriage, the validity or nullity of that marriage must first be decided.

Art. 190. The Procureur of the Republic may and shall, in all cases to which Article 184 is applicable, and subject to the modifications contained in Article 185, bring an action to annul the marriage during the life of the two married persons, and cause a separation to be declared.

Art. 191. An action may be brought to annul any marriage which has not been publicly contracted and not celebrated before the competent officer, by the married parties themselves, by the father and mother, by the ascendants, and by all those who have an actual and existing interest therein, as well as by the "Ministère Public."

Art. 192. If the marriage has not been preceded by the two publications required, or if the dispensations permitted by law have not been obtained, or if the intervals prescribed between the publications and celebration have not been observed, the Procureur of the Republic shall sentence the marriage officer to a fine which shall not exceed 300 fr., and the contracting parties, or those under whose control they have acted, to a fine proportionate to their means.

Art. 193. The fines set forth in the preceding Article shall be incurred by the persons designated therein for every contravention of the rules prescribed by Article 165, even though such contraventions shall not be judged sufficient to cause the marriage to be annulled.

Art. 194. No person shall be at liberty to claim the title of husband or wife, and the civil consequences of marriage, unless he can produce a record of the celebration thereof inscribed in the Register of Civil Status, except in the cases provided for by Article 46, under the title of "Records of Civil Status."

Art. 195. Possessing the status of married persons by notoriety shall not dispense those who pretend to have been lawfully married and who may set up such "possession" from producing the record of celebration of marriage before the proper officer.

Art. 196. Where there is "possession d'état," and the record of celebration of marriage before the proper officer is produced, no action can be brought by the married parties respectively to annul the record.

Art. 197. Nevertheless, where, in the cases set forth in Articles 194 and 195,

issus de deux individus qui ont vécu publiquement comme mari et femme, et qui soient tous deux décédés, la légitimité ne peut être contestée sous le seul prétexte du défaut de représentation de l'acte de célébration, toutes les fois que cette légitimité est prouvée par une possession d'état qui n'est point contredite par l'acte de naissance.

Art. 198. Lorsque la preuve d'une célébration légale du mariage se trouve acquise par le résultat d'une procédure criminelle, l'inscription du Jugement sur les registres de l'État Civil assure au mariage, à compter du jour de sa célébration, tous les effets civils tant à l'égard des époux qu'à l'égard des enfants issus de ce mariage.

Art. 199. Si les époux, ou l'un d'eux, sont décédés sans avoir découvert la fraude, l'action criminelle peut être intentée par tous ceux qui ont intérêt de faire déclarer le mariage valable, et par le Procureur de la République.

Art. 200. Si l'officier public est décédé lors de la découverte de la fraude, l'action sera dirigée au civil contre ses héritiers, par le Procureur de la République, en présence des parties intéressées, et sur leur dénonciation.

Art. 201. Le mariage qui a été déclaré nul, produit néanmoins les effets civils, tant à l'égard des époux qu'à l'égard des enfants, lorsqu'il a été contracté de bonne foi.

Art. 202. Si la bonne foi n'existe que de la part de l'un des époux, le mariage ne produit les effets civils qu'en faveur de cet époux et des enfants issus du mariage.

Chapitre V.—*Des Obligations qui naissent du Mariage.*

Art. 203. Les époux contractent ensemble, par le fait seul du mariage, l'obligation de nourrir, entretenir et élever leurs enfants.

Art. 204. L'enfant n'a pas d'action contre ses père et mère pour un établissement par mariage ou autrement.

Art. 205. Les enfants doivent des aliments à leurs père et mère et autres ascendants qui sont dans le besoin.

Art. 206. Les gendres et belles-filles doivent également, et dans les mêmes circonstances, des aliments à leurs beau-père et belle-mère; mais cette obligation cesse: (1) lorsque la belle-mère a convolé en secondes noces; (2) lorsque celui des époux qui produisait l'affinité, et les enfants issus de son union avec l'autre époux, sont décédés.

Art. 207. Les obligations résultant de ces dispositions sont réciproques.

Art. 208. Les aliments ne sont accordés que dans la proportion du besoin de celui

there is issue of two individuals who have lived publicly together as husband and wife, and are both deceased, the legitimacy of such children cannot be contested on the single ground that the record of celebration is not produced whenever such legitimacy is proved by a "possession d'état" not contradicted by the certificate of birth.

Art. 198. When the proof that a marriage has been legally celebrated results from a criminal procedure, the insertion of the Judgment on the registers of Civil Status ensures to the marriage all its civil consequences from the day of its celebration both as regards the married parties and the issue of such marriage.

Art. 199. If one or both of the married parties have died, without having discovered the fraud, a criminal suit may be instituted by any of those who have an interest in causing the marriage to be declared valid, and by the Procureur of the Republic.

Art. 200. If the celebrating officer is dead at the time of the discovery of the fraud, a civil action may be brought against his heirs by the Procureur of the Republic, in the presence of the persons interested and on their complaint.

Art. 201. Although a marriage has been declared void, the parties to the marriage, and the issue thereof, shall, nevertheless, enjoy the civil rights resulting therefrom, if the marriage was contracted in good faith.

Art. 202. If only one party acted in good faith, only that party and the issue of the marriage shall be entitled to the civil rights resulting therefrom.

Chapter V.—*Of the Obligations which result from Marriage.*

Art. 203. Married persons incur, by the mere fact of marriage, the obligation to nourish, support, and bring up their children.

Art. 204. A child has no action against his father and mother for a settlement for the purpose of marriage or otherwise.

Art. 205. Children owe maintenance to their fathers and mothers and other ascendants who are in want.

Art. 206. Sons-in-law and daughters-in-law likewise and under the same circumstances owe maintenance to their fathers-in-law and mothers-in-law; but this obligation ceases: (1) when the mother-in-law has married again; (2) when the husband or wife, who caused the affinity, and the children by his or her marriage with the other person, are dead.

Art. 207. The obligations resulting from the above dispositions are reciprocal.

Art. 208. Maintenance is accorded only in proportion to the needs of the party who

qui les réclame, et de la fortune de celui qui les doit.

Art. 209. Lorsque celui qui fournit ou celui qui reçoit des aliments est remplacé dans un état tel, que l'un ne puisse plus en donner, ou que l'autre n'en ait plus besoin en tout ou en partie, la décharge ou réduction peut en être demandée.

Art. 210. Si la personne qui doit fournir les aliments justifie qu'elle ne peut payer la pension alimentaire, le Tribunal pourra en connaissance de cause, ordonner qu'elle recevra dans sa demeure qu'elle nourira et entretiendra celui auquel elle devra des aliments.

Art. 211. Le Tribunal prononcera également si le père ou la mère qui offrira de recevoir, nourrir et entretenir dans sa demeure, l'enfant à qui il devra des aliments, devra dans ce cas être dispensé de payer la pension alimentaire.

Chapitre VI.—*Des Droits et des Devoirs Respectifs des Époux.*

Art. 212. Les époux se doivent mutuellement fidélité, secours, assistance.

Art. 213. Le mari doit protection à sa femme, la femme obéissance à son mari.

Art. 214. La femme est obligée d'habiter avec le mari et de le suivre partout où il juge à propos de résider. Le mari est obligé de la recevoir, et de lui fournir tout ce qui est nécessaire pour les besoins de la vie, selon ses facultés et son état.

Art. 215. La femme ne peut ester en jugement sans l'autorisation de son mari, quand même elle serait marchande publique, ou non commune ou séparée de biens.

Art. 216. L'autorisation du mari n'est pas nécessaire lorsque la femme est poursuivie en matière criminelle ou de police.

Art. 217. La femme, même non commune ou séparée de biens, ne peut donner, aliéner, hypothéquer, acquérir, à titre gratuit ou onéreux, sans le concours du mari dans l'acte, ou son consentement par écrit.

Art. 218. Si le mari refuse d'autoriser sa femme à ester en jugement, le Juge peut donner l'autorisation.

Art. 219. Si le mari refuse d'autoriser sa femme à passer un acte, la femme peut faire citer son mari directement devant le Tribunal de Première Instance de l'arrondissement du domicile commun, qui peut donner ou refuser son autorisation après le mari aura été entendu, ou dûment appelé, en la Chambre du Conseil.

Art. 220. La femme, si elle est marchande publique, peut, sans l'autorisation de

claims it, and to the means of the party who owes it.

Art. 209. When he who gives or he who receives maintenance is become in such a position that the one can no longer give it, or the other no longer needs it, in whole or in part, a discharge or a reduction thereof may be asked for.

Art. 210. If the person who is bound to supply maintenance can show that he is unable to pay the allowance, the Court may, after hearing the arguments, order that he or she shall receive into his or her house, and nourish and support, the party to whom the maintenance is due.

Art. 211. The Court shall likewise decide whether a father or mother who offers to receive, nourish, and support at home a child to whom maintenance is owing ought in that case to be discharged from paying the allowance.

Chapter VI.—*Of the respective Rights and Duties of Married Persons.*

Art. 212. Married persons owe to one another fidelity, succour, assistance.

Art. 213. The husband owes protection to his wife, the wife obedience to her husband.

Art. 214. The wife is obliged to live with her husband, and to follow him wherever he may choose to reside. The husband is obliged to receive her and to furnish her with everything necessary for the wants of life, according to his means and station.

Art. 215. The wife cannot appear in Court without the authorization of her husband, even though she be in business or have not goods in common or of separate estate.

Art. 216. The authorization of the husband is not necessary when the wife is prosecuted for a crime or misdemeanour.

Art. 217. A wife, although not having goods in common, or although separated in estate, cannot give, sell, mortgage, or acquire, for or without consideration, unless her husband join in the instrument or give his consent in writing.

Art. 218. If the husband refuse to authorize his wife to appear in Court, the Judge may give her authority.

Art. 219. If the husband refuse to authorize his wife to sign an instrument, the wife may cause her husband to be cited directly before the Court of First Instance of the district of their common domicile, which may give or refuse its authority after the husband shall have been heard, or duly summoned, in "Chambre du Conseil."

Art. 220. The wife, if she be in business, may, without the authority of her husband,

son mari, s'obliger pour ce qui concerne son négoce; et au dit cas elle oblige aussi son mari, s'il y a communauté entre eux. Elle n'est pas réputée marchande publique si elle ne fait que détailler les marchandises du commerce de son mari, mais seulement quand elle fait un commerce séparé.

Art. 221. Lorsque le mari est frappé d'une condamnation emportant peine afflictive ou infamante, encore qu'elle n'ait été prononcée que par contumace, la femme, même majeure, ne peut, pendant la durée de la peine, ester en jugement, ni contracter, qu'après s'être fait autoriser par le Juge, qui peut, en ce cas, donner l'autorisation, sans que le mari ait été entendu ou appelé.

Art. 222. Si le mari est interdit ou absent, le Juge peut, en connaissance de cause, autoriser la femme soit pour ester en jugement, soit pour contracter.

Art. 223. Toute autorisation générale, même stipulée par contrat de mariage, n'est valable que quant à l'administration des biens de la femme.

Art. 224. Si le mari est mineur, l'autorisation du Juge est nécessaire à la femme, soit pour ester en jugement, soit pour contracter.

Art. 225. La nullité fondée sur le défaut d'autorisation ne peut être opposée que par la femme, par le mari, ou par leurs héritiers.

Art. 226. La femme peut tester sans l'autorisation de son mari.

bind herself for that which concerns her trade; and in the said case she binds her husband also if there be community of goods between them. She is not deemed to be in business if she merely retails goods in her husband's trade, but only when she carries on a separate business.

Art. 221. When the husband is convicted of a felony, even though he be convicted by default, his wife, though of age, cannot, during the period of the sentence, appear in an action, or execute a contract until after having received authority from the Judge, who may, in such case, give his authority without the husband having been heard or summoned.

Art. 222. If the husband is interdicted or absent, the Judge may, after hearing the facts, authorize the wife either to appear in an action or to contract.

Art. 223. No general authorization, even though stipulated in the contract of marriage, is valid, except as regards the administration of the wife's property.

Art. 224. If the husband be an infant, his wife must obtain an authorization of the Judge in order either to appear in an action or to contract.

Art. 225. Disability arising through want of authorization can only be pleaded by the wife, the husband, or their heirs.

Art. 226. The wife may make a will without the authorization of her husband.

Chapitre VII.—*De la Dissolution du Mariage.*

Art. 227. Le mariage se dissout :—

1. Par la mort de l'un des époux.
2. Par le divorce légalement prononcé.
3. Par la condamnation devenue définitive de l'un des époux à une peine emportant mort civile.

Chapter VII.—*Of the Dissolution of Marriage.*

Art. 227. Marriage is dissolved—

1. By the death of one of the parties.
2. By divorce lawfully pronounced.
3. By final condemnation of one of the married parties to a punishment involving civil death.

Chapitre VIII.—*Des Seconds Mariages.*

Art. 228. La femme ne peut contracter un nouveau mariage qu'après dix mois révolus depuis la dissolution du mariage précédent.

Chapter VIII.—*Of Second Marriages.*

Art. 228. A woman cannot contract a new marriage until ten months have elapsed from the dissolution of the preceding marriage.

Notice issued by the Mairie de l'Élysée.

Notice.

The publications are made as from the Sunday following the day when the papers are lodged at the marriage office, and are continued during ten days.

Parties intending to be married should attend personally, or, in their absence, parents, guardians, or next of kin.

Applications should be first made at the Mairie where the marriage is to take place, and, if necessary, notes will be delivered at such Mairie for any other publications that may be necessary.

The following documents should be produced:—

1. Certificates legalized by the Police Commissary, showing where the parties to the marriage have resided for more than six months past.
2. Birth certificates of the parties to the marriage.
3. If the father and mother be living, and be not present at the marriage, their consent, signed in presence of a notary.
4. If one of them be dead, his or her certificate of death, and the consent of the other, if not present at the marriage.
5. If both be dead, their death certificates and those of the grandfathers and grandmothers; or the consent of such of them as may be still living, and may not be present at the marriage.

When a person under age has no ascendant living, he must be authorized by a family council.

6. Widowers and widows must produce the same documents, and, in addition, the death certificate of the previous wife or husband.

7. Divorced persons should produce an extract from the judgment or decree pronouncing the divorce.

All the above papers must be legalized if procured from any other department than that of the Seine.

Men over 30 years of age must furnish evidence as to military service. Their "livret" will suffice.

Persons intending to be married should not fix the day of the marriage until all the documents have been lodged at the Mairie.

It often occurs that a marriage cannot take place after every preparation has been made for it. It is for those interested not to put themselves in this unpleasant position, and to make previous arrangement with the marriage office.

Documents coming from abroad must be—

1. Stamped at No. 40, Rue du Rocher.
2. Legalized at the Ministry for Foreign Affairs (with the exception of those coming from Belgium, Italy, Luxembourg, and Alsace-Lorraine).
3. Translated by a sworn translator, if not in French.

No. 14.

The Marquis of Dufferin to the Earl of Rosebery.—(Received January 6.)

My Lord,

Paris, January 3, 1894.

WITH reference to your Lordship's despatch of the 16th September last, I have the honour to transmit herewith a Return showing the present state of the law on divorce in France, and giving the grounds on which divorce can be obtained, and the cost thereof.

I have, &c.

(Signed) DUFFERIN AND AVA.

Inclosure in No. 14.

Report on French Divorce Law.

The Law of Divorce in France.

DIVORCE was established in France by the Law of the 20th September, 1792, which allowed divorce by mutual consent and for "incompatibility" of temper, in addition to divorce for specified matrimonial offences. Judicial separation was prohibited. The "Code Napoléon," in embodying the law of divorce, abolished the ground of incompatibility of temper, but allowed judicial separation.

Under the Restoration, when Roman Catholicism was once more proclaimed the religion of the State, divorce was abolished by the Law of the 8th May, 1816, but was finally re-established by the Law of the 27th July, 1884, which revived, with certain modifications, the old dispositions of the Code.

The grounds on which divorce can now be pronounced are :—

- (A.) Adultery.
- (B.) “Excès, sévices,” and “injures graves.”
- (C.) A conviction for crimes involving certain aggravated punishments.

(A.)—*Adultery.*

Husband and wife are exactly on the same footing. One single act of adultery on the part of either committed under any circumstances is sufficient. Under the old divorce law, the husband's adultery only gave rise to a divorce where the relations were habitual, and took place under the marital roof, except when the adultery was construed as constituting one of the offences classed under (B).

(B.)—“*Excès, Sévices,*” and “*Injures graves.*”

“Excès” may be defined as acts of violence which endanger life.

“Sévices,” acts of a similar character, but which do not endanger life : for instance, the sequestration of the wife by the husband.

“Injures graves” comprise various kinds of lesser misconduct. The Court exercises the widest discretionary powers in all cases of this class. Particularly is this so in the case of “injures graves,” owing to the vagueness of the terms employed.

Thus the following, *inter alia*, have been held to constitute “injures graves,” and to be sufficient grounds for a divorce or a separation, as the case may be.

The use of opprobrious epithets, calling the wife “canaille” or “rosse” before her children.

The imputation that the wife is suffering from a shameful disease.

Falsely accusing the wife of adultery or of incest, or even of theft or some other grave crime.

The unsustained charge of misconduct made by the husband as a defence to the wife's suit for a separation.

Desertion as a general rule.

The continued refusal of the husband to live with his wife, or *vice versâ*.

The continued refusal to consummate the marriage, or voluntary and persistent abstinence from intercourse.

The communication of a venereal disease.

Habitual drunkenness in some circumstances.

The fact that at the time of the marriage the wife was inscribed on the police register as a prostitute, and had not revealed it to her husband.

The fact that at the time of the marriage the wife was enceinte by a stranger, and had concealed it from her husband.

In the case of the husband, permitting the wife to be ill-treated in his presence without interfering.

A second marriage purported to be contracted by the husband while his wife is still living.

The refusal to go through the religious ceremony after the civil celebration of the marriage.

The wife's refusal to obey her husband where it was a question of a theatrical engagement.

The ill-treatment by the husband of his stepchildren or of his wife's parents.

The institution (subsequently abandoned) of proceedings for divorce or separation.

Conviction for some crime involving a lesser punishment than those classed under (C) where the crime directly affects the honour or marital rights of the other party to the marriage.

These examples might be still further multiplied, offences of this class (B) having always constituted a ground for a judicial separation (as they do now for a divorce), so that their character has been judicially determined in a great number of cases.

There need be only one matrimonial offence, and even one single act of violence or ill-treatment may be held sufficient, though as a rule this class of act must be repeated. The plural number used by the Code bears this out.

Finally, the Court will take into consideration the circumstances of each case, and the social and other position of the parties.

(C.)—*The Conviction of certain Crimes.*

The text of the law says: "The condemnation of the husband or wife to a 'peine afflictive et infamante.'"

The "Code Pénal" classifies punishments, *inter alia*, as "afflictive et infamante" or as "infamante" only.

The condemnation to a punishment of the former class alone is now a sufficient ground for a divorce.

The punishments in question are:—

1. Hard labour for life or years.
2. Deportation.
3. Detention.
4. Reclusion.

Deportation and detention have a political character. In the case of all the above (except deportation, which is for life) the minimum term is five years.

A divorce may also be obtained after a judicial separation, the grounds for which (as above indicated) are the same as for divorce, but which may be granted in cases where the matrimonial offences are considered insufficient by the Court for a divorce. After the judicial separation has lasted three years it may be converted into a divorce on the demand of either party.

PROCEDURE.

Procedure in Divorce is regulated by the Law of September 18, 1836.

Before the petition proper can be issued, the petitioner must apply in Chambers to the President of the Tribunal of First Instance, or to the Judge who replaces him.

The application must be made in person, but where this cannot be done for some duly established reason the Judge will attend at the residence of the petitioner, assisted by his Registrar ("Greffier"). After hearing the petitioner, and making such remarks as he thinks fit, the Judge orders at the foot of the complaint ("requête") that the parties shall appear before him on an appointed day and hour.

The Judge may in this order authorize the petitioner to live separately, and specify in the case of the wife, the place of her residence.

The order is served at the residence of the respondent in a closed envelope.

On the appointed day the Judge hears the parties in person. If it is impossible for one of them to attend before the Judge, he determines the place where the "conciliation" shall be tried, or orders a Commission to hear the respondent. In the event of non-conciliation or default, the Judge makes an order recording the same, and authorizes the issue of the petition.

If occasion should require, the Judge makes a further order as to the residence of the petitioner, and as to the provisional custody of the children and the delivery of personal effects. He may also make an order as to alimony. This order is executory notwithstanding appeal.

The case then proceeds in the ordinary form, but the "Ministère Public" * must always be present and heard. The Court may order that the case shall be heard *in camera*, but under any circumstances the publication in the press of the proceedings is prohibited by a fine varying from 100 fr. to 2,000 fr.

The wife is bound, whenever required, to prove her abode at the residence assigned to her, in default whereof the husband may refuse alimony, or, where she is petitioner, have her nonsuited.

Children or other issue cannot be witnesses.

Where the citation has not been served personally, and the respondent makes default, the Court, before pronouncing the decree, may order notice of the suit to be advertised.

Appeals from final decrees may be made to the Court of Appeal and to the Court of Cassation, and suspend execution.

* The representative of the judicial authority of the State, who is present in all the Civil Courts.

A default decree may be reopened by the process known as "opposition."

The operative part of the Judgment must be entered at the register of civil status of the place where the marriage was celebrated within two months from the time the decree becomes definitive, in default whereof the decree becomes null and void. This entry is made by the party obtaining the decree or, in case of default to do so within one month, by the other party.

Effects of Divorce.

Persons who have been divorced cannot be married to one another again if one of them has contracted a new marriage, followed by a new divorce.

In the case of remarriage, the parties must adopt the same marriage contract or settlement as they had before.

After remarriage no second divorce is allowed except in the case of conviction of one of the crimes involving the above-mentioned punishments.

A woman cannot marry again until ten months after the divorce has become definitive.

Where the decree proceeds on the ground of adultery, the party against whom it was pronounced cannot marry the co-respondent.

The party against whom the decree is given loses all advantages he or she may derive from the other party to the marriage, either under their marriage contract or subsequently, while the party obtaining a divorce retains all such advantages, even where they were to be reciprocal and such reciprocity does not occur.

Where no such advantages were created, or where they appear inadequate for the maintenance of the party who has obtained the divorce, the Court may allow alimony not exceeding one-third of the income of the other party.

Such alimony is revocable should it cease to be necessary.

The custody of the children is given to the party obtaining the decree, unless the Court, either on the demand of the relatives or of the "Ministère Public," orders, for the benefit of the children, that the custody of some or all of them be given to the other party, or to a third person.

To whomsoever the custody is given, the father and mother retain respectively the right to survey the bringing up and education of their children, and must contribute thereto according to their means.

The dissolution of the marriage by decree of divorce does not deprive the children of the marriage of any of the rights they have by law or under the matrimonial conventions of their parents, but such rights only come into operation in the same way and under the same circumstances as they would if there had been no divorce.

Cost.

The cost of obtaining a divorce varies according to the nature of the case.

In a simple case the cost would be about 500 fr., of which 300 fr. would be for costs of procedure and Court fees, 100 fr. for counsel, and the remaining 100 fr. for the "avoué," or solicitor.

Where witnesses have to be examined and an inquiry ("enquête") held, the costs of procedure, &c., would vary from 425 fr. to 650 fr., counsel's fees from 150 fr. to 600 fr., and the "avoué's" from 200 fr. to 400 fr.

The cost of converting a separation into a divorce amounts to about 500 fr.

These costs are minimum costs. The fees, or honoraries, which it is the custom to give the advocate and solicitor vary considerably, according to the position of the parties.

GERMANY.

No. 15.

Mr. Gosselin to the Earl of Rosebery.—(Received October 23.)

My Lord,

Berlin, October 21, 1893.

IN compliance with the instructions contained in your Lordship's Circular despatches of the 16th ultimo, I have the honour to transmit to your Lordship herewith—

1. A Report giving an outline of the Marriage Laws prevailing in the German Empire, especially the ages at which marriage can be contracted, the laws of prohibition, the hours in which the ceremony can be performed, and the fees charged.

2. A Report showing, with respect to the German Empire, the state of the law in divorce, in particular the grounds on which divorce can be obtained, and the cost.

These two Reports have been drawn up by Mr. Conway Thornton on the basis of information furnished by Dr. Weber, Legal Adviser to this Embassy.

I have, &c.

(Signed) MARTIN GOSSELIN.

Inclosure 1 in No. 15.

Report on Marriage Laws in Germany.

THE principal legislative enactment governing the contract of marriage in the German Empire is the Imperial Law regulating personal status and marriage, dated the 6th February, 1875, a copy of which is annexed.

The following is an outline of its more important provisions:—

1. In order to enter into a contract of marriage, it is necessary that the man should have completed his 20th, the woman her 16th, year. Dispensation from this condition lies with the Minister of Justice.

2. The voluntary consent of both parties is requisite. Force, fraud, or error render the marriage null and void.

3. The consent of the father is obligatory for the conclusion of a marriage, in the case of legitimate children, up to the completion of the son's 25th, or the daughter's 24th, year. After the death of the father the consent of the mother becomes necessary. If the children are minors, the consent of the guardian is also required, and equally so if both parents are dead. If both parents are absent, with no known place of residence, the children are regarded as orphans.

4. For the purposes of the preceding provisions, illegitimate children are treated in the same manner as fatherless legitimate children.

5. For the sanction of guardians to be valid, they must be legally recognized as such by the Court of Guardians. An appeal lies to the Court against a refusal of consent, if the children are of full age.

6. Marriage is unconditionally forbidden, and is *ipso facto* null and void, if celebrated between—

(a.) Relations in the ascending and descending line;

(b.) Full or half-brothers and sisters;

(c.) Step-parents or parents-in-law, and step-children or children-in-law; regardless, in all three cases, of whether the relationship be a legitimate or an illegitimate one. Dispensation is inadmissible in any case of the kind.

(d.) Between any person and his or her adopted child until that relationship has been legally cancelled.

7. A prohibition is imposed, during the continuance of a guardianship, upon marriage of a female ward with her guardian, or with a child of the latter. The validity of such a marriage when once concluded, however, is uncontestable at law.

8. No person may remarry unless his or her previous marriage has been dissolved, or declared illegal or null and void.

9. Any person desiring to remarry after the dissolution of his or her first marriage must produce proof that a legal settlement has been made on the children of such first

marriage. Women may not remarry until after the expiration of the tenth month after the dissolution of the former marriage, but it is possible to obtain a dispensation from this rule.

10. If a marriage has been dissolved on the ground of adultery, and the particular circumstances of the case are specified in the decision of the Court, the respondent and co-respondent are not permitted to marry. In this case also dispensation may be granted.

Limitations on marriage after divorce

11. The solemnization of marriages is effected exclusively by Registrars ("Standesbeamten") appointed by the State. No minister of religion may be appointed to serve as Registrar.

Marriages solemnized by Registrars only.

The ceremony is, as a rule, performed in the usual office hours of the Registrars. They are at liberty, however, to perform the same at any other time. No restriction as to days or hours is prescribed by law.

No legal hours fixed by law.

The marriage fees levied by the Registrars are very low, and are fixed for each separate district by the superintending authorities. They are restricted to serving as remuneration for the officials, &c., and are not intended as a distinct Government revenue. In some districts they are waived entirely.

Fees.

The rules concerning the necessity for military persons to obtain the consent of their superior officers in order to marry are laid down in the following Laws:—

Special rules affecting persons serving on the military establishment

The Imperial Military Law of May 2, 1874.

Section 40. "Military persons of the peace establishment ('Friedensstand') require the consent of their superior officers for the conclusion of a marriage."

Section 38 of the same Law: "The military persons of the peace establishment are:—

"1. The officers, surgeons, and military officials of the peace establishment, commencing from the date of their appointment up to the time of their dismissal.

"2. The 'Kapitulanten' (i.e., privates who, after the expiration of the ordinary term of service, have bound themselves to serve with the colours for a further term of years) from the commencement until the expiration of the contract ('Kapitulation').

"3. The volunteers and the conscripts from the day they are maintained by the Military Administration until the day they are dismissed from active service; one-year volunteers from the date of their entry into a regiment until they are dismissed from active service."

Imperial Military Penal Code of June 20, 1872.

Section 150. "Whoever marries without the requisite official permission will be punished with confinement in a fortress up to three months, and, at the same time, may be discharged from the army.

"The withholding of the official permission does not affect the validity of a marriage already concluded."

Berlin, October 18, 1893.

Inclosure 2 in No. 15.

Report on Divorce Laws in Germany.

I. THE judicial proceedings in actions for divorce are regulated by an Imperial Law intituled "Civil Process Ordnung" of the 30th January, 1877. A divorce can only be pronounced by Civil Courts; a jurisdiction, either ecclesiastical or dependent upon any confession, is not permissible.

Regulation of judicial proceedings.

These legal proceedings differ in some respects from the ordinary judicial proceedings out of regard to public morality. An attempt to effect a reconciliation between the petitioners must be made in the presence of the Judges. The Attorney-General ("Staatsanwalt") is called upon to oppose those suits for divorce for which no

Differences from ordinary procedure.

reasonable grounds exist, and to strive to keep the marriage intact. He can demand the taking of evidence. The Court also is empowered to institute inquiries.

The real facts of a case shall be ascertained as far as it is possible to do so, and an impartial judgment cannot be given solely on the evidence adduced by the petitioners. The Court may postpone the proceedings for one year in cases where a reconciliation of the parties, and the continuance of the marriage, seems probable.

II. The grounds on which divorce can be obtained are determined in the Civil Law ("Privatrecht") in force in the individual German Federal States. This Law coincides in general with the Prussian Regulations laid down in the "Common Law" ("Allgemeine Landrecht"), Part II, section 1, paras. 668-722.

The grounds for divorce therein mentioned are:—

1. Adultery: equivalent to which are considered unnatural vices, and such illicit intercourse as is founded not on mere suspicion, but on presumption of a breach of conjugal fidelity. The mere suspicion can become a ground for divorce in cases where, at the request of one of the parties, the Court has unsuccessfully prohibited the intercourse of the accused party with the person suspected. A woman may not petition for a dissolution of her marriage on the ground of adultery by her husband, if she has been guilty of the same offence.

2. Desertion. As such is considered the refusal of one party to cohabit with the other, that is, if the husband refuses to receive his wife into his house, or if the wife refuses to live with her husband, and also refuses to follow him to a new abode.

3. Obstinate and permanent refusal to perform the conjugal duties.

4. Entire and incurable impotence to perform the conjugal duties, it being immaterial whether such impotency existed before marriage, or arose after marriage, or whether attributable to the person's own fault or not. Loathsome and incurable diseases of the sexual organs are equally a ground for divorce.

5. Raving madness and insanity (but *not* idiocy) if either has existed for more than one year, and there is no prospect of a cure being effected.

6. Imperilling life, either by acts of violence or by malignant inconsistency and quarrelsomeness involving danger to life and health. To this category belong: serious defamation of character, and restriction of personal liberty.

7. Felonies, for which either husband or wife has had to undergo a severe punishment, or would have had to undergo penal servitude or confinement in a fortress on account of a felony, if the party had not evaded such punishment by flight.

8. Disorderly mode of life, drunkenness, and extravagance justifies a petition for divorce, if an order of the Court calling upon the party to improve his or her mode of life has not had the desired effect.

9. Refusal of maintenance: indigence not caused through a person's own culpability is not a sufficient ground for divorce, but a divorce can be pronounced on the ground of wilful refusal to grant maintenance.

10. Insuperable aversion ("Unüberwindliche Abneigung") can, with the mutual consent of the parties, become a ground for divorce, providing, however, that the parties have no lawful issue, and that there is no prospect of such issue in the future. The Judge is, however, invested with certain discretionary powers, by virtue of which he can dissolve a marriage, notwithstanding the existence of legitimate children or of prospective lawful issue, if he feels convinced that the degree of aversion between the parties is so great as to render it quite impossible to effect a reconciliation, or to attain the purposes of marriage.

The other German States do not admit this as a ground for divorce. On the other hand, these States have sometimes recognized the right of the Regent to dissolve marriages, but this is not admissible in Prussia.

III. The decision of the Court in a suit for divorce must also contain an opinion as to whether one of the petitioners is alone guilty, or chiefly guilty, or whether both petitioners are equally guilty. On this opinion is decreed and determined the settlement of property, alimony, damages, and punishment.

In the case of adultery, the person found guilty may, together with the adulterer or adulteress, be punished with imprisonment at the request of the innocent party.

The costs of an action for divorce are taxed according to the General Judicial Tariff.

According to the Imperial Law of the 18th June, 1878, the costs of suits for divorce, in ordinary cases where the value of the estate is assessed at 2,000 marks (100*l.*), are as follows:—

Grounds for divorce
laid down in Civil
Law.

Adultery.

Desertion.

Denial of conjugal
rights.

Impotence, &c.

Madness.

Quarrelsomeness, &c.

Felony.

Disorderly mode of
life.

Refusal of
maintenance.

Mutual aversion.

Court to decide as to
settlements, alimony,
damages, &c.

Punishment
sometimes in form
of imprisonment.

Costs how taxed.

	Marks.	£ s. d.
General costs ("Pauschquantum")	44	2 4 0
For obtaining evidence	44	2 4 0
For order of the Court.. .. .	44	2 4 0
	132	6 12 0
To which must be added the fees for witnesses, copying, and postage, so that the total costs may amount to about	150	7 10 0

In exceptional cases, where the estate is assessed at 200 marks (10*l.*) on account of the indigence of the parties, the costs are:—

	Marks.	£ s. d.
General costs	7	0 7 0
Obtaining evidence	7	0 7 0
Order of the Court	7	0 7 0
Total	21	1 1 0

The total costs, including incidental expenses, amount to about 30 to 35 marks.

If, on the other hand, the parties are wealthy, the estate may be assessed at 50,000 marks (2,500*l.*). In such cases the costs are:—

	Marks.	£ s. d.
General costs	290	14 10 0
Obtaining evidence	290	14 10 0
Order of the Court	290	14 10 0
Total	870	43 10 0
With incidental expenses, about	900	45 0 0

Berlin, October 18, 1893.

GREECE.

No. 16.

Mr. Egerton to the Earl of Rosebery.—(Received February 14.)

My Lord,

Athens, February 6, 1894.

WITH reference to your Lordship's Circular despatch of the 16th September last, I have the honour to report that application was made without loss of time to the Hellenic Government for an outline of the Marriage Law of Greece, but that the Department concerned has not yet been able to furnish a statement on so intricate a subject.

I am therefore only able at present to transmit to your Lordship the inclosed statement, prepared from data furnished by Mr. Martelaos, whose legal training is, I am confident, sufficient to insure its substantial accuracy, although it must not be taken as absolutely authoritative.

The law of Greece relating to marriage is, in fact, the Canon Law, and though in practice deviations from it have been introduced, in deference to modern requirements or international engagements, these are sometimes thought to be contestable.

I have, &c.
(Signed) EDWIN H. EGERTON.

Inclosure in No. 16.

Memorandum as to the Marriage Laws of Greece.

Provisions.	MARRIAGE between two persons of the Orthodox religion is contracted by the performance of the ceremony by a priest, according to the rites of the Greek Church, after the production of a licence under the hand of the Bishop of the diocese in which the marriage is celebrated. Before issuing the licence the Bishop must be satisfied that there is no impediment to the marriage. A marriage celebrated without such licence is invalid.
Place.	The ceremony of marriage need not be (and commonly is not) performed in a church.
Registration.	Within ten days of the religious ceremony the parties must present themselves at the Mairie with the priest and two witnesses, for the registration of the marriage. The omission of the registration does not, however, invalidate the marriage.
Fees.	The fees are: 3 drachmas (2s. 6d.) for the Bishop's licence; 5 drachmas (4s.) for the registration. The fee to the officiating priest is optional.
Persons not belonging to State Church.	Marriage between two persons, both belonging to any Christian denomination recognized by the State, is valid if performed according to the rites of such Christian denomination.
	In the case of persons belonging to non-Christian religions, or to Christian sects not recognized by the State, there is apparently no provision for the celebration of a valid marriage.
	In the case of the marriage of two persons of whom one only belongs to the Orthodox religion the performance of the ceremony according to the rites of the Greek Church is essential. (This point is, however, contested.)
Mixed marriages.	Marriages between persons of whom one is a Greek subject and the other a foreign subject must conform to such of the preceding conditions as are applicable to the case.
Marriage of aliens.	A marriage between two foreign subjects is valid if performed in such a manner as to be valid in their respective countries. (It is, however, not absolutely certain that this would be the case unless the marriage was solemnized according to the rites of a religion recognized in Greece.)
Age.	Marriage can be contracted by men at the age of 14, by women at the age of 12.
Hours.	The ceremony of marriage can be performed at any hour of the day or night.
Prohibitions.	The following are causes for prohibition of marriage:— 1. Want of consent of the father or guardian in the case of minors. 2. Insufficient age: less than 14 years for men, 12 for women. 3. Persons between whom adultery has been committed cannot marry each other. 4. The abductor cannot marry the woman whom he has abducted. But if the marriage is contracted, and proceedings are not taken by the persons interested for the invalidation of the marriage, it remains valid. 5. Marriage between a Christian and a heathen is prohibited. 6. Prohibited degrees of kindred and affinity:— (a.) Ascendants and descendants, without limit of degree. (b.) Collateral relationship to the seventh degree, inclusive. (c.) Affinity to the fifth degree, inclusive (e.g., a man may not marry his brother's wife's sister's daughter).

Mr. Egerton to the Earl of Rosebery.—(Received February 14.)

My Lord,

Athens, February 6, 1894.

THE Greek Departments of Foreign Affairs and Justice having not yet been able to furnish the information on the Greek Law of Divorce asked for by your Lordship's Circular despatch of the 16th September last, I have the honour to inclose herewith a statement, prepared from data furnished by Mr. Martelaos, which I believe to be substantially accurate, although it must not be taken as absolutely authoritative.

The Greek Law of Divorce is derived from the Byzantine Law. Some of the grounds of divorce which the altered conditions of modern society have rendered trivial are, as far as possible, discouraged by the Courts, but they are nevertheless occasionally adduced in support of petitions for divorce.

Divorce by mutual consent is unknown to the Greek law; but in the absence of any check upon collusion, undefended actions for divorce often amount to the same thing.

I have, &c.

(Signed) EDWIN H. EGERTON.

Inclosure in No. 17.

Memorandum as to the Divorce Law of Greece.

THE following is the procedure in cases of divorce:—

Procedure.

The party desiring the divorce addresses a petition in writing to the Bishop, who thereupon summons both parties before him with the view to their reconciliation. If after three months all his efforts to bring about a reconciliation fail, the Bishop makes a report to that effect to the Civil Tribunal of First Instance. Until it has received the Bishop's report, the Tribunal cannot entertain a petition for divorce. When the Decree of dissolution of marriage has been definitely pronounced, the Procureur du Roi transmits a copy of it to the Bishop, who thereupon pronounces the spiritual dissolution of the marriage.

The cost of a divorce suit is said to be from 250 to 500 drachmas (10*l.* to 20*l.*), but varies according to the number of witnesses summoned, &c. *Cost.*

The following are the grounds upon which a petition for divorce may be based by the husband:— *Grounds on which divorce may be claimed:*

1. That the wife, knowing that there is a conspiracy against the Sovereign, does not disclose it to her husband. *By the man.*

2. That she has committed adultery.

3. That she has in any way attempted the life of her husband, or, being aware of plots against it, has not disclosed them to him.

4. That against her husband's wish she has stayed a night at another house, excepting the house of her parents.

5. That without her husband's knowledge and consent she has attended races, theatres, or sports.

6. That against her husband's wish she has attended dinners, or bathed in the company of men.

7. That she has procured the abortion of the fruit of her womb.

By the woman.

A petition for divorce by the wife may be based on the following grounds:—

1. That the husband entertains schemes against the Sovereign, or, being aware of such, does not denounce them to the authorities.

2. That he has in any way attempted the life of his wife, or, being aware of plots against it, has not disclosed them to her or undertaken to prosecute the authors of them.

3. That he has endeavoured to bring about the commission of adultery by her.

4. That he has brought a false accusation of adultery against her.

5. That he maintains intimate relations with another woman under the conjugal roof; or that he frequents the house of another woman in the same town, and having been reprov'd once or twice by his parents or his wife, either directly or through trusty persons, has not desisted from such practice.

6. The impotence of the husband existing before the marriage, and continuing not less than three years after it.

Mr. Egerton to the Earl of Rosebery.—(Received March 8.)

My Lord,

Athens, February 27, 1894.

WITH reference to my despatch of the 6th instant, I have the honour to transmit to your Lordship herewith a translation by Mr. Martelaos of a Memorandum on the Greek Law of Marriage which I have received from the Greek Ministry for Foreign Affairs.

I have, &c.
(Signed) EDWIN H. EGERTON.

Inclosure in No. 18.

Memorandum by Mr. Martelaos on Greek Law of Marriage.

(Translation.)

MARRIAGE and divorce in Greece are regulated by the Roman and Byzantine Laws, namely, in accordance with the provisions established by the Byzantine Emperors, contained in the collection of Harmenopoulos, as provided for in the Law of the 23rd February, 1835. But besides the above, there are also special Laws on marriage and divorce, of which mention will be made below at the proper place.

Civil marriage before a Registrar does not exist in Greece; marriage is altogether religious, performed by the Archbishop, or by a priest authorized by him. The religious ceremony is essential to the validity of a marriage, otherwise the alliance is simply considered a concubinage punishable by law. A written permission of the Bishop or his delegate, in whose diocese the marriage is performed, is required for the marriage ceremony, in accordance with the Circular of the Holy Synod of the 31st March, 1834: without such permission the marriage, if performed, is null and void, and the priest who celebrates it is liable to degradation.

1.—*Marriage.*

[(A.)—*How Marriage is contracted.*

The provisions of the Roman Law are applicable with regard to the age and physical competency of the persons who wish to contract marriage. According to those provisions, females cannot contract marriage under 12 years of age, or males under 14; that is to say before they reach their puberty.

For reason of bodily inability eunuchs—*castrati*—are incapable of contracting marriage.

(B.)—*Prohibitions of Marriage.*

In Greece, prohibitions of marriage are very numerous; those based on blood relationship, affinity, and quasi-affinity (*adfinitas et quasi adfinitas*), are taken from the collections of Justinian and from the Greek Orthodox Church. Of the latter, however, those are only in force which were established by the different Ecclesiastical Synods, as well as those decreed by the different Patriarchs of the Greek Church, and sanctioned by the Byzantine Emperors, because the Orthodox Eastern Church has always acknowledged the supremacy of the Emperor. The prohibitions established by the Church are valid in Greece, because the Constitution in Article 2 established that our Church shall keep the sacred Apostolic Rules.

1.—*Prohibitions based on Blood Relationship.*

Marriage is forbidden between persons related in blood in the direct line without any limit of degree.

Prohibition of marriage for collateral relationship extends up to the sixth degree inclusive; there is also prohibition for the seventh degree, but if marriage be actually contracted it cannot be annulled in this latter case.

2.—*Prohibitions based on Affinity.*

According to the Roman Law affinity exists between blood relations of one of the consorts and those of the other ; but according to the Church affinity exists also between the blood relations of both consorts among themselves, so that affinity was extended by the Church over a wider circle.

Prohibition of marriage for the above reason extends to the fifth degree inclusive ; and to the sixth and seventh degree, when, according to the Byzantines, there may be "a confusion of names," namely, uncle to niece, and nephew to aunt.

There is also prohibition owing to affinity, in the case of "trigeny," that is to say, when by two marriages three families are united, which event occurs when A, after the death of his wife B, contracts a second marriage ; and after the death of A his widow concludes a second marriage with C ; in this case C is related by affinity (trigeny) with the son of A.

In this case marriage is prohibited only in the first degree, namely, between the stepfather and the wife of the stepson, as well as between the stepmother and the husband of the stepdaughter.

3.—*Prohibition owing to Betrothal.*

According to the Roman and Byzantine Laws, marriage is prohibited for a man—

- (a.) With the betrothed of his father.
- (b.) With the betrothed of his son.
- (c.) With the mother of his betrothed.
- (d.) With the betrothed of his brother.

4.—*Prohibition on account of Divorce.*

There is prohibition of marriage between the one of the parties to a marriage which has been dissolved and the children of the other party thereto by a marriage contracted after the divorce.

5.—*Prohibition on account of Baptism.*

- (a.) Marriage is prohibited between a godfather and his goddaughter.
 - (b.) Between him and her mother.
 - (c.) Between him and the daughter of his goddaughter.
 - (d.) Between the son of the godfather and his goddaughter.
 - (e.) Between the same and the mother of the goddaughter.
 - (f.) Between the same and the daughter of the goddaughter.
- The same prohibitions apply, *mutatis mutandis*, to women.

6.—*Prohibition on account of Adoption.*

Marriage between a man and his adopted daughter and grand-daughter, as also between a man and the widow of his adopted son, is prohibited.

7.—*Prohibition on account of existing Marriage.*

Existing marriage constitutes a prohibition for a second marriage ; the performance of a second marriage before the first is dissolved, constitutes the crime of bigamy, which is punished by law.

8.—*Prohibition on account of Guardianship.*

Marriage is prohibited between a guardian and the person under his guardianship, as well as between the latter and the son or grandson of a father who is under the same

paternal authority as the guardian is; exception is made when the father, either when alive, or by his will, declared that he consented to such marriage

9.—*Clergymen cannot contract Marriage.*

A Bishop cannot contract a marriage. Married persons may be ordained priests, deacons, and sub-deacons, but after their ordination they cannot contract marriage.

10.

After the dissolution of the first, a second and a third marriage is permitted, but not a fourth.

11.—*Marriage with Persons of another Religious Denomination.*

Marriage with Jews is null and void.

The Law of the 10th August, 1861, had permitted marriages between Christians of the Eastern Orthodox Church and Christians of another religious denomination, under the condition that the marriage ceremony should be performed by a priest of the Eastern Orthodox Church, and that an act should be signed before the "Juge de Paix" to the effect that the children will be brought up in the dogmas of the Eastern Orthodox Church.

As soon as this Law was published, the French Government addressed strong representations to the Greek Government, contending that it was prejudicial to the interests of its Roman Catholic subjects, and that it was not in consonance with modern principles of religious toleration. Owing to these representations the Law above mentioned was abolished two months after by the Law of the 15th October, 1861, which simply enacted that marriage is permitted between Orthodox Greek Christians and persons of other religious denominations, if the Rules of the Eastern Orthodox Church be kept. The question, therefore, is, whether the Eastern Church requires, for the validity of such marriages, the performance of the marriage ceremony by a priest of the Eastern Church. It is most probable that the Eastern Church does not require that such marriages should be performed by a priest belonging to its own profession. Marriages between persons of the Greek Orthodox Church and of other religious denominations are very common, but the Greek ceremony is performed because the idea prevails that without it such marriages are null and void.

Prohibitions cannot be set aside by a dispensation.

(C.)—*Competency of Tribunals.*

A marriage becomes in all respects legal by the fact of the performance of the religious ceremony; the Church, however, cannot declare a marriage spiritually null and void excepting after a declaration to that effect by a decree of the judicial authorities. In order, therefore, that a marriage should be null and void, it is required that a Decree of the Court should be issued to that effect at the request of one of the parties concerned in the marriage, or at the request of other parties interested.

The law in Greece, unlike the French law, does not give authority to the "Procureur du Roi" to ask for the invalidation of a marriage. Only in the case of bigamy, or incestuous marriage, which are criminal acts, the "Procureur du Roi" in Greece has the right to interfere.

No. 19.

Mr. Egerton to the Earl of Rosebery.—(Received March 8.)

My Lord,

Athens, February 27, 1894.

WITH reference to my despatch of the 6th instant, I have the honour to transmit to your Lordship herewith a translation, by Mr. Martelaos, of a Memorandum

on the Greek Law of Divorce, which I have received from the Greek Ministry for Foreign Affairs.

I have, &c.
(Signed) EDWIN H. EGERTON.

Inclosure in No. 19.

Memorandum by Mr. Martelaos on the Greek Law of Divorce.

Divorce.

(Translation.)

ACCORDING to the provisions of the Civil Procedure of Greece a divorce is allowed by the Courts of Justice for certain legal reasons.

Separation *a mensâ et thoro* is not permitted by the Greek law.

Legal reasons for divorce are established in No. 117 of the "Novellæ Constitutiones" of Justinian, with some unimportant amendments, established in the treatise of Harmenopoulos. These reasons are the following :—

1. Reasons for divorce on the husband's side :

(a.) If the wife has concealed from the husband a conspiracy against the King of which she was cognizant. If, however, the husband having known this, keeps silent, the woman may denounce the crime through any person, and the husband cannot claim this as a reason for divorce.

(b.) Adultery on the part of the woman.

(c.) Attempt at the life of the husband on her part, or concealment of such intended attempt by others.

(d.) Attendance at banquets or bathing together with men against the will of the husband.

(e.) If against the will of the husband she passes the night away from her husband's house, unless it be at the house of her own parents, or, in the case of her having been turned out by her husband and having no parents to go to.

(f.) If against the will or without the knowledge of her husband she attends theatres, races, or shooting expeditions.

2. Reasons for divorce on the wife's side :

(a.) If the husband conspires against the King, or if he does not denounce such conspiracy known to him.

(b.) If the husband makes an attempt against her life, or if he did not inform her of such intended attempt by others, or if he has not had recourse to the law to bring the criminals to justice.

(c.) If he tries to induce her to commit adultery.

(d.) If he denounces her falsely for adultery.

(e.) If he has intercourse with another woman in the same house in which he lives with his wife, or in another house in the same town, notwithstanding the repeated advice given to him to cease doing so by his relatives.

(f.) If he is convicted of adultery with a married woman.

(g.) If he has entered a monastery.

Penalties as a result of Divorce.

By the "Novellæ Constitutiones," Nos. 117, 127, and 134, various penalties are established if divorce be asked and granted owing to the fault of the person against whom it is asked; particularly in the case of the woman, if divorce is granted for adultery committed by her, she loses both her dowry and a great portion of her own private property.

The provisions above mentioned have been applied by the Greek Courts on several occasions; but latterly the opinion has prevailed that such penalties have been abolished by the Penal Law, and therefore they are not applied. Nevertheless, if the party who asks for divorce be able to prove that he or she sustained damage owing to it and that the other party is responsible for such damage, in that he or she was the cause of the divorce, damages may be claimed from the other party.

Co-operation of the Ecclesiastical Authority.

When the Tribunal declares the marriage dissolved, and its decision is finally and irrevocably pronounced, the "Procureur du Roi" sends the decree to the Ecclesiastical authority, in order that the spiritual dissolution of the marriage may also be pronounced.

The expenses for the divorce consist of legal fees, which are not heavy.

Ionian Islands.

After the union of the Ionian Islands with Greece the laws of Greece became obligatory in the Ionian Islands, as enacted by the Law of the 20th January, 1863. Some exceptions were made to this principle, one of which was that till a special Civil Code be enforced for all Greece the Ionian Code will be valid in the Ionian Islands, in matters for which the laws of the kingdom do not provide. Nevertheless, the above-mentioned Rules prevail in the Ionian Islands. Article 142 of the Ionian Code establishes specially that marriage shall be performed in accordance with the Rules of the Eastern Orthodox Church.

ITALY.

No. 20.

Lord Vivian to the Earl of Rosebery.—(Received October 2.)

My Lord,

Rome, September 26, 1893.

WITH reference to your Lordship's Circular despatch of the 16th instant, I have the honour to inclose herewith a Return, drawn up by Mr. Edwardes, giving an outline of the Marriage Laws prevailing in Italy, and specially mentioning, in accordance with your Lordship's instructions, the provisions of the law relating to the ages at which marriage can be contracted, to prohibition of marriage, the hours in which the ceremony can be performed, and the fees charged.

I have, &c.
(Signed) VIVIAN.

Inclosure in No. 20.

Report on Marriage Laws in Italy.

Promise of Marriage.

promise of marriage
is not a contract.

AS a promise of marriage is not a legal contract, there is no action for breach of promise, but if the promise has been made in writing, any expenses incurred may, within the period of one year, be recovered from the defaulter.

Conditions necessary to contract a Marriage.

required age of
parties.

No man under 18 and no woman under 15 years of age can contract a marriage.

period to expire before
widow can contract
new marriage.

No widow can contract a fresh marriage until the expiration of ten months from the time of the termination or of the annulling of her previous marriage, except in the case where the marriage has been annulled on the grounds of impotency previous to marriage.

This provision ceases to have effect from the day on which the widow shall have given birth to a child.

No marriage can be contracted between relations, either legitimate or illegitimate, descendent or ascendent in direct line, or between kinsfolk in the same line. Prohibition on account of affinity, &c.

Marriage is forbidden between—

Sisters and brothers, legitimate or illegitimate.

Wives and husbands of the same grade.

Uncle and niece.

Nephew and aunt.

The adopted parent with the adopted child and the descendants of the adopted.

Children adopted by the same person.

An adopted child and children born to the adoptive parent.

An adopted child and the husband or wife of the adoptive parent, and between the adoptive parent and the husband or wife of an adopted child.

The following persons cannot contract marriage :—

Persons of unsound mind (where such unsoundness of mind is not fully established, the celebration of the marriage is to be postponed until the proper authorities shall have definitively pronounced thereon). Inability to contract marriage.

Any person or his accomplice convicted of having murdered or of attempting to murder a person cannot contract a marriage with the husband or wife of the person murdered or attempted to be murdered.

A man under the age of 25 years, and a woman under the age of 21 years, require the consent of both parents. If the parents disagree, the consent of the father is sufficient. Consent of parents, &c., to proposed marriage.

Should one of the parents be dead, or unable to manifest his or her consent, the consent of the other parent is sufficient.

An adopted child under 21 years of age requires the consent of the adoptive parent as well as of his parents.

Should both parents be dead, or unable to manifest their consent, minors under 21 years cannot contract marriage without the consent of the grandparents. If the grandparents on the same side disagree, the consent of the grandfather is sufficient.

The disagreement of the two sides is equivalent to a consent.

In the absence of parents, adoptive parents, and grandparents, or in the case where none of them are able to manifest consent, minors under 21 years require the consent of a family council to their marriage.

Illegitimate children, legally recognized, are governed by the same conditions as legitimate children.

In the case of a refusal of consent by parents, &c., a son of full age can apply to the Court of Appeal to authorize the marriage.

In the case of a woman or man under age, appeal can be made either to relatives and kinsfolk, or to the competent public authority. The case is heard with closed doors. Counsel is not allowed to intervene.

The Crown can, for grave motives, allow the celebration of certain of the marriages above cited as forbidden on account of affinity, &c. Dispensatory power of the Crown.

Preliminary Formalities for Marriage.

Two notices of a marriage to be held must be published through the proper civil officer. The notices must give all details, and be published on two successive Sundays in the communes where the intending parties reside. Notice of marriage.

The marriage cannot be celebrated before the 4th day after, or after the 180th day after, the publication of the second notice. Limit of time between publication of notices and celebration of marriage.

The Crown, or other competent authority, can, for grave motives, authorize that one or both publications of marriage be dispensed with. Dispensatory power of Crown, &c.

Both parties must produce before the officer of the commune where it is intended to celebrate the marriage— Documents to be produced by intending parties.

Their certificates of birth.

Certificates of death, or copies of the Judgment by which the previous marriage of either party has been terminated or annulled.

Certificates of consent of parents or others (if required).

Certificates of publication of notices, or of dispensation therefrom.

All other documents which, according to the various circumstances, may be necessary to prove the liberty of the intending parties and their condition of family.

Opposition to Marriage.

Parents, grandparents, guardians, &c. (as cited above), and in their default, brothers, sisters, uncles, aunts, and first cousins, of full age, can oppose the celebration of a marriage if the conditions required by law have not been fulfilled.

In the case of the remarriage of a widow, the right of opposition rests with the nearest of her parents or grandparents, and with all the relatives of her first husband.

Where a marriage has been annulled, the other party to the annulled marriage is the only person empowered to oppose a new marriage.

The public authorities are bound to oppose the celebration of a marriage whenever they know of an impediment thereto.

A deed of opposition must give all necessary details, and be notified to the intending parties and to the civil officer before whom the marriage is to be celebrated.

In case of opposition, the celebration of a marriage is to be postponed until the Court shall have pronounced. Should the opposition be rejected, the opposing parties may be condemned to pay costs.

Celebration of Marriage.

The marriage must be celebrated in the communal house publicly, and in the presence of two witnesses and before the civil officer of the commune in which one of the intending parties is domiciled or resides.

On the day fixed the civil officer, in the presence of two witnesses, must read to the intending parties the Articles of the Code relating to the mutual rights and duties of man and wife (*vide infra*), and having received from each party a declaration that they desire to take each other, respectively, as man and wife, he then declares, in the name of the law, that they are united in matrimony.

The deed of marriage must be drawn up immediately after the celebration.

No limit or condition can be placed on the declaration by either of the marrying parties.

Any such limit or condition disables the civil officer from proceeding with the celebration.

The marriage can be celebrated in another commune than that in which either of the intending parties is domiciled or resides, at the request of the civil officer of the commune of domicile or residence. The day following such celebration a certified copy of the deed of marriage must be sent to the civil officer of the commune of residence or domicile.

In the case of infirmity or of other impediment recognized by the civil officer, the marriage can be celebrated by him in the house where the party impeded resides, in the presence of four witnesses.

The civil officer cannot refuse to celebrate a marriage except for causes provided for by law. He must deliver a certificate showing his grounds for refusal. In the case of refusal appeal can be made to the Civil Courts.

The fee of 2 lire 50 c. (about 2s.) must be paid for the publication of the two notices.

A marriage can be celebrated gratis on any day of the week between the hours of 9 A.M. and 3 P.M.

The fee for celebration of a marriage at any other hour is 50 lire (about 2l.).

If the communal hall where the marriage takes place be carpeted and decorated a further fee of 100 lire (about 4l.) is collected.

Marriage of Italian Subjects abroad and of Foreigners in Italy.

A marriage celebrated in a foreign country between two Italian subjects, or between an Italian subject and a foreigner, is valid if celebrated in accordance with the laws of the country where it takes place, and provided that the Italian subject has not contravened the provisions of Italian law relative to the conditions necessary for the contraction of a marriage (*vide supra*).

Notices of such marriage must be published in Italy in accordance with the law. If either or both of the intending parties, being Italian subjects, have no residence in Italy, the notices must be published in the commune of his or her last domicile, or in both.

An Italian subject who has contracted a marriage abroad must, within three months

of his return to Italy, cause his marriage to be registered in the commune where he takes up his residence, under penalty of a fine not exceeding 100 lire.

The capacity of a foreigner to contract a marriage in Italy is determined by the laws of the country to which he or she belongs.

Marriage in Italy where one or both parties are foreigners.

Such foreigner is also subject to the impediments laid down by Italian law.

A foreigner wishing to contract a marriage in Italy must produce a declaration from a competent authority of the country to which he or she belongs that, according to the laws of that country, there is no impediment to the proposed marriage.

If the foreigner be resident in Italy notice of the intended marriage must be published in the same manner as if he or she were an Italian subject.

Demand for Nullity of Marriage.

A marriage contracted in contravention of the law relative to conditions necessary for the contraction of a marriage (*vide supra*) can be impugned by the parties themselves, by the public authority, or by any person who may have a legitimate and actual interest therein.

Grounds on which a marriage may be impugned.

A marriage cannot be impugned on the grounds of the non-competency of the civil officer after the expiration of one year from the day of its celebration.

In the case of an error in the identity of a person, a marriage can be impugned by the party who has been deceived.

Either party can impugn a marriage where either his or her consent has not been given freely. In these two cases the marriage cannot be impugned if cohabitation has continued for one month after the party has known of the error in the identity of a person, or has become a free agent.

Impotency, anterior to marriage, can be put forward as grounds for nullity of a marriage by the non-impotent party.

A marriage contracted without the required consent of parents, &c., can be impugned by the persons whose consent was required, or by the party on whose behalf it was required. It cannot be impugned by the man if he was of 21 years of age at the time the marriage was contracted.

It cannot be impugned either by the parties themselves nor by the parents whose consent was asked for, should the marriage have been expressly or tacitly approved, or should six months have elapsed since knowledge of the marriage without action having been taken.

A marriage contracted between parties one of whom is not of the required age cannot be impugned—

(a.) When six months shall have passed after the completion of the required age.

(b.) When the wife, although not of the required age, shall be pregnant.

The marriage of a person of unsound mind can be impugned by that person, by his guardian, by a family council, or by the public authority, if, at the time of its celebration, the party had been definitively pronounced of unsound mind, or if the infirmity which was the grounds of such judgment existed at the time of the marriage.

Such marriage cannot be annulled if cohabitation has continued for three months after such judgment had been revoked.

When a demand for nullity of marriage be made by either party, the Court can, at the instance of either of them, or of its own accord, order their temporary separation pending judgment.

If a marriage contracted *bonâ fide* by both parties be annulled, the parties do not lose the civil rights enjoyed by them before their marriage; nor do children born before the marriage, if recognized previous to the judgment of nullity, lose their rights.

If only one of the parties have acted in good faith, that party is not affected by the annulment of the marriage in his or her civil rights, except in his or her favour, and in favour of the children.

Proofs of the Celebration of Marriage.

When there are indications that through the fault of the civil officer the marriage had not been properly registered, the parties may make a declaration that they have been married in accordance with the regulations made to provide for cases where public acts are wanting: Provided—

Case of marriage not properly registered through fault of civil officer.

(a.) That they (the parties) produce a copy of the notices published, or of the decree of dispensation from such publication.

(b.) That there is positive proof of a condition *de facto* in conformity with their declaration.

Penalties.

In the event of the celebration of a marriage without the publication of the necessary notices, the parties and the celebrating officer are liable each to a fine of from 100 to 1,000 lire.

A civil officer who has allowed a marriage to be celebrated between parties after he shall have received notification of an impediment thereto is liable to a fine of from 500 to 2,000 lire.

He is liable to the same fine if he celebrate a marriage not being competent to do so, or if the parties shall have affixed thereto limits or conditions, or if the necessary documents shall not have been produced.

He is liable to a fine of from 100 to 500 lire if he publish notices of a marriage without the request and consent of both intending parties, or without the required consent of parents, &c.

For contravention of any law not specified he is liable to a fine of from 100 to 500 lire.

If a marriage be annulled on grounds known to one party, and these grounds be not made known to the other party, the guilty party is liable to a fine of from 1,000 to 3,000 lire, or to imprisonment for a period not exceeding six months, and for damages to the party who has thus been deceived.

If a widow, or a woman whose previous marriage shall have been annulled, shall contract a new marriage before the expiration of the time required by law, the officers celebrating such marriage, and the other party to the fresh marriage, are severally liable to a fine of from 300 to 1,000 lire.

The woman loses all profit accruing to her from her former husband.

Rights and Duties incumbent from Marriage.

Marriage imposes on married parties the obligation of cohabitation, fidelity, and assistance.

The husband is the head of the family, the wife follows his civil status, takes his surname, and must reside wherever he may fix his residence.

The husband must protect the wife, keep her with him, and maintain her according to his means.

The wife must contribute towards the maintenance of the husband if he does not possess sufficient means.

A husband is not obliged to maintain a wife who shall have left him without just cause, and who refuses to return to him.

The Courts can, according to circumstances, order the temporary sequestration, for the profit of the husband and the issue of the marriage, of a portion of the wife's income.

A wife has no power over property, nor can she enter into any engagement relative to property without the authority of the husband. The husband can grant and revoke such authority.

The authority of the husband is not necessary—

(a.) When he is under age, interdicted, absent, or has been condemned to more than one year's imprisonment during the expiation of the penalty.

(b.) When the wife shall have been legally separated from the husband.

(c.) When the wife is engaged in trade.

In the event of the husband refusing to grant authority to his wife, the latter can, under certain conditions, appeal to the Civil Courts.

Notes.

None of the provisions relating to marriage, &c., made by Italian law affect the Crown or the Royal Family.

There is no connection whatever between the celebration of the civil marriage and the religious ceremony of marriage. The latter can be celebrated before or after the civil ceremony, or not at all, at the will of the parties, and is not necessary to make the marriage legal.

No. 21.

Lord Vivian to the Earl of Rosebery.—(Received October 2.)

My Lord,

Rome, September 26, 1893.

IN reply to your Lordship's Circular despatch of the 16th instant, I have the honour to inclose a short Memorandum by Mr. Edwardes, showing that divorce is not recognized by the law of Italy, and stating the grounds on which either husband or wife can apply to the Civil Courts for a legal separation.

I have, &c.
(Signed) VIVIAN.

Inclosure in No. 21.

Report on Divorce in Italy.

THERE is no divorce in Italy, marriage being dissolved only by the death of one of the parties.

(A marriage can be annulled on certain grounds, *vide* Memorandum on Marriage Laws.)

A separation can be granted by the Courts on the demand of one of the parties on grounds laid down by law, such as adultery on the part of the woman, cruelty, desertion, &c.

The separated parties can by agreement, and with the consent of the Court, be reconciled.

GRAND DUCHY OF LUXEMBURG.

No. 22.

Sir H. Rumbold to the Earl of Rosebery.—(Received December 25.)

My Lord,

The Hague, December 15, 1893.

I HAVE the honour, in compliance with the instructions contained in your Lordship's Circular despatch of the 16th September last, to transmit herewith a translation of a Report giving an outline of the Marriage Laws prevailing in the Grand Duchy of Luxemburg.

I have, &c.
(Signed) HORACE RUMBOLD.

Inclosure in No. 22.

Note on Marriage Legislation in the Grand Duchy of Luxemburg.

(Translation.)

1. MARRIAGE in the Grand Duchy of Luxemburg has, as regards its legal effects, an essentially civil character. According to the Constitution, therefore, the civil marriage must always precede the religious ceremony. The latter, indeed, is left entirely to the conscience of the parties concerned.

2. The conditions and formalities requisite for contracting marriage are regulated by the French Civil Code of 1810, which is still in force in the Grand Duchy.

To contract marriage a man must be 18 and a woman 15 full years of age. The Sovereign, however, may grant a dispensation as regards age for grave reasons.

No man under 25, and no woman under 21, full years of age, may contract a marriage

without consent of both father and mother. If the parents do not agree, the father's consent is sufficient. If one of the parents is dead, or incapable of expressing his or her will, the consent of the remaining parent is sufficient. If both parents are dead, or incapable of expressing their will, the grandparents take their place. If the grandparents on the same side of the family do not agree, the grandfather's consent is sufficient. If there is a difference of opinion between the two sides of the family, the fact of this difference existing entails consent.

Legitimate sons between the age of 25 and 30, and legitimate daughters up to the age of 25, who desire to contract a marriage, must, failing the voluntary consent of their parents or of their grandparents, as stated above, ask by means of a respectful and formal summons ("acte respectueux") the counsel of their parents and grandparents ("conseil de leurs ascendants"). This respectful "act" is notified in a notarial deed, but without the intervention of a law officer, to the proper persons who have refused their consent. If the first notification of the "respectful act" is not followed by consent, that "act" shall be twice more repeated, at the interval of one month between each notification, and it is only one month after the third notification that the celebration of the marriage may be proceeded with.

After the age of 30, and failing the required consent, a marriage can be celebrated one month after the notification of the "respectful act."

An illegitimate child, who has not been recognized, or who, having been recognized, shall have lost both parents, may not marry, if under 21 years of age, without having obtained the consent of a guardian *ad hoc* who shall be appointed.

Legitimate children who have lost their parents and grandparents, or whose parents and grandparents are incapable of expressing their will, cannot marry until they are 21 years of age without the consent of their family council ("conseil de famille").

3. Marriage is forbidden between members (of the same family) in the direct ascending or descending line, legitimate or illegitimate, and between connections in the same lines; also, in the collateral line, between brother and sister, legitimate or illegitimate, and connections related in the same degree. Further, between uncle and niece, aunt and nephew.

The Sovereign can, nevertheless, for grave reasons, grant a dispensation between brother-in-law and sister-in-law, uncle and niece, aunt and nephew respectively.

4. The persons who have the right to oppose the celebration of a marriage are—

(1.) Such person as is married to one of the contracting parties.

(2.) The father, and, failing him, the mother, and, failing both parents, the grandparents as long as the children or grandchildren are under 25 full years of age.

(3.) Failing parents and grandparents alike, the brother, sister, uncle, or aunt, and first cousins, but in the two following cases only:—

(a.) When the consent of the family council has not been obtained, the infant being under 21 full years of age.

(b.) When the opposition is based on the state of insanity of the future husband or wife.

Oppositions to a marriage are notified to the civil officer who is to celebrate the same. The Tribunal decides whether the opposition is valid or not.

5. A marriage is celebrated publicly before the civil officer of the domicile of one of the contracting parties. Domicile for marriage is acquired by a continued residence for six months in the same commune. Before proceeding to the celebration of the marriage, the civil officer shall make two publications (at an interval of a week) on a Sunday at the door of the Town Hall. These publications shall contain the Christian and surnames, profession, and domicile of the contracting parties, shall state whether they are minors or of age, and also the surnames, Christian names, profession, and domicile of their fathers and mothers. A document certifying that these publications have been made shall be drawn up ("il sera donné acte"). An extract from them is to be posted up, and is to remain posted up, on the door of the Town Hall during the week intervening between the first and second publication. The marriage may only be celebrated on the third day after, and not including, the day of the second publication, and the marriage must be celebrated within a year dating from the expiry of the term fixed by the publications.

The civil officer must be supplied with the birth certificate of each of the contracting parties, and, failing a birth certificate, with an act of "notoriety" ("notoriété"), delivered by the Judge, of the birthplace or of the domicile of the party. This certificate shall contain a declaration made by seven witnesses, relations or strangers, as to the Christian and surnames, profession, and domicile of the contracting party, the place, and, as far as possible, the date of such party's birth, and the causes preventing the regular birth certificate from being produced. The civil officer shall further be furnished with the deed

setting forth the consent of the parents or grandparents whose consent to the marriage is required. Should these persons be present, the spoken declaration of their consent is sufficient.

The day and hour of the marriage are fixed by the parties as arranged with the civil marriage officer. It is celebrated in the presence of four witnesses, relations or strangers. The marriage officer reads aloud to the parties the contents of the documents mentioned above, and also the legal dispositions with regard to the respective rights and duties of married persons. He receives from each of them in turn the declaration that each desires to take the other as husband or wife, and then declares, in the name of the law, that they are united in matrimony. A document setting this forth is at once drawn up. This document, or "acte de mariage," contains—

(1.) Christian and surnames, profession, age, place of birth, and domicile of the parties.

(2.) Whether they are minors or of age.

(3.) Christian and surnames, profession, and domicile of their parents.

(4.) The consent of parents or grandparents, and of the family if requisite.

(5.) The "respectful act," if one has been notified.

(6.) The publication in the different domiciles.

(7.) The oppositions, if there were any, and their withdrawal, or the statement that there has been no opposition.

(8.) The declaration of the contracting parties each to take the other as husband or wife, and the declaration of their union by the public officer ;

(9.) The Christian and surnames, age, profession, and domicile of the witnesses, and their declaration stating whether they are relations or connections of the parties, and, if so, on which side of the family and in what degree of relationship they stand.

6. All matrimonial contracts ("conventions matrimoniales") are drawn up before the marriage, and set forth in a deed in the presence of a notary. The marriage officer, at the time of the celebration of the marriage, must call on the parties to declare whether a marriage contract has been drawn up, and, if so, the date of such contract, and the name and place of residence of the notary who has received it. The marriage "act" shall contain mention of these indications, and if this be not done, such stipulations in the contract as are contrary to common law ("dérogatoires au droit commun") cannot be adduced in opposition to claims of third parties who have made engagements with the married parties, in ignorance of the marriage contract.

Marriage is free of charge. The only costs are those in connection with documents which have to be produced. Indigent persons have the right to have all the papers requisite for the celebration of their marriage furnished them gratis.

The tariff of the charges made for the various papers is as follows:—

Nature of Document.	Stamp.		Drawing up.		Legalization by President of Tribunal.		Total.	
	Fr. c.	s. d.	Fr. c.	s. d.	Fr. c.	s. d.	Fr. c.	s. d.
Birth certificate	1 25	1 0½	0 80	0 8	0 25	0 2½	2 30	1 11
Death certificate	1 25	1 0½	0 80	0 8	0 25	0 2½	2 30	1 11
Marriage certificate	1 25	1 0½	1 25	1 0½	0 25	0 2½	2 75	2 7½
Divorce certificate	1 25	1 0½	1 25	1 0½	0 25	0 2½	2 75	2 7½
Certificate of adoption of a child ..	1 25	1 0½	1 25	1 0½	0 25	0 2½	2 75	2 7½
" recognition of a child ..	1 25	1 0½	0 80	0 8	0 25	0 2½	2 30	1 11
" non-opposition to a marriage ..	0 50	0 5	0 80	0 8	0 25	0 2½	1 55	1 3½

The hour at which marriages are celebrated is not fixed by law. It is fixed by the marriage officer to suit the convenience of the contracting parties, and in some measure his own convenience also.

Thus, in the town of Luxemburg marriages generally take place between 11 o'clock and midday, and sometimes between 4 and 5 P.M.

The religious ceremony always takes place in the morning.

Sir H. Rumbold to the Earl of Rosebery.—(Received December 25.)

My Lord,

The Hague, December 15, 1893.

I HAVE the honour, in compliance with the instructions contained in your Lordship's Circular despatch of the 16th September last, to transmit herewith a translation of a Report on the subject of the law on divorce in the Grand Duchy of Luxemburg.

I have, &c.

(Signed) HORACE RUMBOLD.

Inclosure in No. 23.

Note on Divorce Legislation in the Grand Duchy of Luxemburg.

(Translation.)

MARRIAGE is dissolved—

1. By the death of husband or wife.
2. By divorce legally rendered.

A woman may not contract a fresh marriage until ten months have elapsed since the dissolution of the previous marriage—a measure framed to avoid *confusio sanguinis*.

Widows or divorced wives, being with child by their first marriage, whether the fact be publicly known or on their own admission, can contract a second marriage, after their delivery, before the fixed limit of ten months.

A widow or divorced wife may also be authorized to marry again before the ten months have elapsed, if circumstances and the opinion of competent persons indicate the improbability of their being with child.

In no case, however, can such authorization be granted until three months have elapsed since the dissolution of the preceding marriage.

Divorce.—A husband may demand divorce on the ground of his wife's adultery. A wife can demand divorce on the ground of her husband's adultery, but only if he has kept his concubine in the common abode.

Either husband or wife may demand divorce on the grounds of excess, physical ill-treatment ("séances"), or grave insults committed or inflicted by one party against the other.

The fact of one party having been condemned to a dishonouring penalty ("peine infamante") constitutes a cause of divorce for the other party.

The mutual and continued consent of both parties, expressed in the manner prescribed by law, and under the conditions and after all the tests stipulated thereby, is a sufficient proof that life in common is unsupportable to them, and that, in their case, a peremptory cause of divorce exists.

A petition for divorce must be addressed to the Tribunal of the district in which the parties are domiciled.

The final sentence has to be pronounced in public; when that sentence sanctions the divorce, the petitioner is authorized to apply to the civil officer in order to have it so pronounced.

An action for divorce is put an end to by the reconciliation of the parties, whether it has supervened since the date of the facts which have led to the action, or since the petition has been formulated.

Mutual consent of the parties shall not be allowed if the husband is less than 25, and the wife less than 21 years of age.

Mutual consent is not admitted until after two years of marriage, and shall no longer be admitted after twenty years of marriage, nor after the wife is 45 years of age.

In the case of a divorce allowed by law on the ground of adultery, the guilty party shall never marry the person with whom such adultery was committed.

In all cases in which a petition for divorce is allowed for some fixed cause, the parties are at liberty to petition for a separation ("séparation de corps"). Separation carries with it separation of property ("séparation des biens").

Separation does not dissolve a marriage; neither of the parties can therefore marry again before the death of the other.

This measure was introduced into the legislation to soothe the conscientious scruples of those persons whose religion declares that a marriage cannot be dissolved—as in the case of Roman Catholics—and to whom life in common is unbearable.

The cost of an action for divorce depends on the importance and circumstances of the case, especially of the greater or less scope of the inquiry, as also eventually of the counter-inquiry.

The average expenses as regards solicitors ("avoués") is about 375 fr. (15l.).

Besides these charges on account of the Law Officers ("Officiers Ministériels"), which have to be paid by the losing side, each party has moreover to pay the fees of the lawyer who has pleaded his cause.

In fixing these fees, the lawyers take into consideration the importance of the case and its legal and other difficulties, as well as the pecuniary situation of the parties.

Paupers enjoy legal assistance gratis. ●

MEXICO.

No. 24.

Mr. Trench to the Earl of Rosebery.—(Received January 8, 1894.)

My Lord,

Mexico, December 22, 1893.

IN compliance with the instruction contained in your Lordship's Circular despatch of the 16th December, I have honour to forward herewith a Report on the Marriage Laws of Mexico, which has been kindly drawn up for me by Señor Pablo Martinez del Rio, a lawyer in this city.

I have, &c.

(Signed)

P. LE POER TRENCH.

Inclosure in No. 24.

Marriage under the Laws of Mexico.

1. THE Law of the 12th July, 1859, one of those known as "Reform" Laws, instituted by President Juarez, established (Article 3) the "perfect independence of civil matters from those purely religious." As a result of this declaration, the Catholic clergy, which had till that time enjoyed a direct and exclusive monopoly in all matters relating to marriage, ceased to hold such faculty, and the Law of the 23rd July of the same year invested marriage with the character of a civil contract (subject, as to the formalities necessary for its celebration, validity, and dissolution, &c., to the civil authorities), and deprived it of all religious character.

Existing legislation

The Law passed by the Congress of the Union on the 10th December, 1874, confirmed the principles contained in the Reform Laws, and, consequently, the maxim that marriage is a civil contract, and exclusively within the jurisdiction of the Civil Courts. The said Law conferred on the States the power of legislating on the family relations, &c. ("estado civil"), of individuals, and of regulating the manner of effecting and registering the formalities relating thereto, whilst observing certain principles therein laid down, which must necessarily be adopted.

In spite of this power, it may be said that the various States of the Republic have all followed the same model in their Marriage Laws, and that this model has been the corresponding portion of the Civil Code of the Federal District, which is therefore practically the law that prevails throughout the Republic.

I.—Impediments.

2. Mexican law considers as impediments to the celebration of the marriage contract—

(1.) Insufficient age, as established by law.

(2.) Non consent of the person invested by the law with parental authority, or of the guardian, or, in the absence of the former, of the Judge of First Instance of the locality.

(3.) Relationship by consanguinity or marriage.

(4.) Error in the identity of either party.

(5.) Undue force or intimidation.

(6.) Continuous or incurable lunacy.

(7.) Attempts upon the life of either husband or wife, in order that the other may be free to marry.

(8.) A prior legal marriage with a person other than the proposed consort.

Age.

3. The man cannot contract a matrimonial alliance until fully 14 years of age, nor the woman till fully 12.

Only in exceptional cases, and for important and proven reasons, the higher civil authorities may grant a dispensation in the matter of age.

Consent of parents,
&c.

4. To contract a legal marriage, minors of less than 21 years of age, both male and female, must first obtain the consent of the father, or, after his death, of the mother, although the latter may have contracted a second marriage.

On the death of both parents the right of consent passes to the grandparents, in the following order: paternal grandfather, maternal grandfather, paternal grandmother, maternal grandmother.

In the absence of parents or grandparents, the consent of the guardian is required, and, if no guardian exists, that of the Judge of First Instance of the locality where the marriage is to take place. Before the celebration of the marriage the parents or grandparents may withdraw their consent already given. Guardians and Judges may not so revoke.

If, before the celebration of the marriage, the parent consenting should die, the person on whom the prerogative falls may revoke such consent.

The rights granted by the law to parents as to such consent to the marriage of their children or grandchildren are confined to their legitimate children, or natural children duly legitimized or recognized.

When the parents or grandparents, guardians, or Judges refuse their consent, or withdraw consent already granted, and their objection appears unreasonable, the party interested may apply to the first civil authority of the locality, who may, after hearing the first-named, give licence to marry as if of full age, or not; but without such prior licence the marriage cannot take place.

Relation.

5. Consanguineous relationship, whether legitimate or illegitimate, without limitation as to degree, in direct ascent or descent, is an impediment to the contracting of marriage.

Among relations of the same generation the impediment extends to brothers and sisters, and half brothers and sisters; among those of higher or lower generations, only to uncles and nieces, and *vice versa*, whenever in the third degree; but the latter may obtain from the head civil authorities licence to marry notwithstanding.

Relationship by marriage only constitutes an impediment as regards direct ascent or descent from the party so related, without limitation as to generation.

Guardians require
licence to marry
a ward.

6. No guardian can contract matrimony with a person who has been or is his ward without obtaining from the head civil authority of the locality the necessary licence, which shall not be granted except after the accounts of the wardship shall have been legally approved. The same prohibition applies to the "curador" (person appointed to control guardian's management) and his children, and also to the children of the guardian. If such marriage should take place without the said licence being obtained, the Judge having jurisdiction shall at once appoint an interim guardian who shall receive the goods and manage the same until such licence be obtained.

Abduction.

7. In case of abduction an impediment exists to marriage between the abductor and the person abducted until the latter be restored to a safe place where she can freely give utterance to her wishes.

II.—Formalities required by Mexican Law for the Celebration of the Marriage Contract.

Attendance at the
"Estado Civil"
Court.

8. Persons desiring to marry must present themselves before the "Juez del Estado Civil" within whose jurisdiction either of the parties resides. The Judge shall enter the application in the register, and draw up a minute containing:—

Contents of minute.

(1.) The Christian and surnames, professions and residences, both of the parties and their parents, if the latter are known.

(2.) Those of the two witnesses to be presented by each contracting party, to testify to his or her possession of the qualifications required by the law.

(3.) The permission of the persons whose consent is required for the celebration of the marriage, or evidence that no such consent is necessary.

(3.) Certificate of the death of a former consort if either of the parties have been previously married.

(5.) Licence annulling impediments if such exist.

9. A copy of this minute shall be affixed in a prominent position of easy access in the Court of "Estado Civil," and two other copies in public places, and shall so remain for fifteen days. Publication.

If either of the parties, or both of them, shall not during the six months previous have resided within the jurisdiction of the said Court, the minute shall be published for fifteen days in their prior residences. The same shall be done even when the parties may have resided in the same locality as the said Judge, if the latter thinks fit.

If the parties have had no fixed residence during the six months previous, the publication shall be made for two months instead of fifteen days.

10. Publication may be waived in case of danger to the life of either of the parties, certified by two medical men, if such are present, or when in the judgment of the head civil authority (which alone is empowered to grant such waiver) the parties submit sufficient and well-founded reasons. Waiver of publication

11. To obtain such waiver of publications application must be made to the Judge of the "Estado Civil," who shall enter the petition in a minute, and the parties shall present a copy thereof with the evidence submitted to the chief civil authority. Proceedings to obtain waiver.

12. If the marriage be not solemnized within six months after the last publication, it cannot be effected without republication. Period for the celebration of the marriage.

13. If within three days after the last publication no impediment be alleged, or if, such having been alleged, the Judge shall declare it insufficient, or a waiver thereof shall have been obtained, these circumstances shall be entered in the civil register, and the Judge of the "Estado Civil" shall, in conjunction with the parties, appoint a place, day, and hour for the celebration of the marriage. Data to be entered on register.

14. If within the period for publication any impediment shall be alleged against the projected marriage, the Judge of the "Estado Civil" shall draw up a minute containing the name, age, condition, and residence of the denouncer, and the actual words of the allegation. He shall forward this minute to the Judge of First Instance, who is the authority competent to decide on said impediment, notifying at the same time both contracting parties, even when the impediment refers to only one of them, and all proceedings shall be suspended till the impediment shall be declared valid or not, or until a waiver thereof shall have been obtained, even though the denouncer should withdraw his allegation. Proceedings in case of allegation of impediment.

15. Any person may allege impediments to the celebration of marriages; anonymous denouncements will only be considered when they are accompanied by the necessary evidence. Who may allege impediments.

16. The marriage shall be celebrated in public, on the day, hour, and place appointed therefor. The contracting parties shall appear before the Judge of the "Estado Civil," personally or by special attorney, and shall be accompanied by three witnesses at least, relations or others. The Judge shall receive the formal declaration of the parties of their desire to unite themselves in marriage. Celebration of the marriage.

17. Immediately thereafter an entry shall be made in the records of the civil registry, showing:— Marriage re ord.

(1.) The Christian and surnames, ages, professions, residences, and place of birth of the contracting parties.

(2.) Whether the latter are of full age or minors.

(3.) The Christian and surnames, professions and residences, of the parents.

(4.) The consent of the parents, grandparents, or guardians, or that the parties are of full age.

(5.) That no impediment exists, or that it has been waived.

(6.) The declaration of the parties of their will to unite themselves in marriage, mutually taking each other as husband and wife. The Judge, on behalf of the law, shall add a declaration that they have been so united.

(7.) The Christian and surnames, age, condition, profession, and residence of the witnesses, their declaration as to whether they are relatives of the parties, and, if so, in what degree and on what side.

18. Marriages may take place at any hour of the day or night, and either in the Court of the "Estado Civil" or any other place; the law only provides that they shall be Hours for celebration of marriages.

effected before the Judge. This latitude, notwithstanding, is practically limited, in most cases, to the hours during which the Civil Court is open, that is, on week-days from 8 to 1 in the morning, and 3 to 6 in the afternoon; and on Sundays and feast-days from 10 to 12 in the morning.

Marriages effected in the houses of the contracting parties may take place on any day and hour appointed by the Judge in conjunction with the parties.

Expenses.

19. All acts of the civil registry are free of charge, provided they take place in the Court. Those effected elsewhere, except in case of necessity, are subject to the payment of the following fees, at the decision of the Judge:—

							Dollars.
First presentation	..	..	..	..	..	..	8 to 25
Waiver of publication	..	..	..	..	..	..	60
Celebration of the marriage	..	..	..	..	..	..	12 to 55

Certificate of marriage.

20. A marriage can only be proved by the entries on the register. No other document or mode of proof is admissible except where the archives of the registry are totally or partially destroyed.

Cost of certificate.

21. The certificate required by the law for the proof of a marriage is issued gratuitously to any person desiring it, but it must be written on special paper, which costs 1 dol. 50 c. in the Federal District, and 50 cents in the States.

No. 25.

Mr. Trench to the Earl of Rosebery.—(Received January 8, 1894.)

My Lord,

Mexico, December 22, 1893.

WITH reference to your Lordship's Circular despatch of the 16th September, I have the honour to inclose herewith a Report on the Divorce Laws of Mexico, for which I am indebted to Señor Pablo Martinez del Rio, a lawyer of this city.

I have, &c.

(Signed)

P. LE POER TRENCH.

Inclosure in No. 25.

Report on Divorce under the Laws of Mexico.

I.—Judicial Separation.

Divorce not dissolution of marriage.

Grounds of Divorce.

1. DIVORCE, by Mexican law, does not dissolve the marriage tie, but merely suspends some of its civil obligations.

2. The following are legitimate grounds:—

(1.) Adultery of one of the parties.

(2.) The birth of a child during the marriage which has been conceived before the marriage, and judicially declared illegitimate.

(3.) The attempt of the husband to prostitute his wife, not only when the husband has made such attempt directly, but also when it is proved that he has received money or any other remuneration with the object of another person having illicit relations with his wife.

(4.) Instigation or violence on the part of one consort to bring about the commission by the other of some crime, though it be not that of unchastity.

(5.) The attempt of the husband or wife to corrupt their children, or permission of such attempt.

(6.) Abandonment of the joint home without just cause, or even when there be just cause, if, this being sufficient to justify a demand for divorce, such absence be prolonged for more than a year, without the absentee applying for a divorce.

(7.) Cruelty, threats, or scandalous abuse by one party to the other.

(8.) False accusation by one party of the other.

(9.) Refusal of one party to furnish the other with necessaries according to the law.

(10.) Incurable habits of gambling or intoxication.

(11.) Chronic or incurable disease, which is also contagious or hereditary, existing prior to the marriage, and of which the other party had no knowledge.

(12.) Violation of the marriage agreements.

(13.) Mutual consent.

3. The adultery of the wife is always a good ground for divorce. That of the husband is so only when the following circumstances are present :—

(1.) That it have taken place in the common dwelling.

(2.) That there have been continuous illicit intercourse in the joint home or elsewhere.

(3.) That there have been public scandal or insult offered by the husband to the wife.

(4.) That the adulterous companion have maltreated, by word or deed, the legal wife, or that she may have on her account been so maltreated.

4. The attempt of the husband or the wife to corrupt the children, either of both or of one of the parties. Permission must consist in positive acts, simple omissions not being a ground for divorce. Adultery.
Corruption of children.

5. When one party has instituted divorce proceedings without justification, the other may in turn demand a divorce on this ground, but only after four months from the notification of the last Judgment. A consort accused by the other of crime has the same right. False accusation.

6. Lunacy, contagious disease, or any other similar affliction of one of the parties only justifies divorce when all the circumstances mentioned in fraction 11 of paragraph 2 are present. In any other case, and only on the application of one of the parties, can the Judge, after hearing the case, temporarily suspend the obligation to cohabit, all other obligations towards the afflicted party remaining in full force. Lunacy, contagious disease, &c.

7. Divorce can only be sought by the party who has not given ground therefor, and within one year from the coming to his knowledge of the facts on which the suit is based. Who may demand divorce.

Separation by mutual consent cannot be demanded until two years after the celebration of the marriage.

8. Where there has been forgiveness or condonation, expressed or implied, divorce cannot be sought on any of the grounds enumerated in paragraph 2. The reconciliation of the parties nullifies the decree of divorce, or puts an end to the suit if it is still pending. The law assumes reconciliation whenever, during the suit or after the decree of separation, cohabitation has been resumed. Condonation a bar to divorce.

9. The party who has not given ground for divorce may, even after the decree has been pronounced, waive his or her rights, and compel the other to again resume cohabitation, but in such case cannot redemand divorce on the same grounds as before, although new facts of the same nature may be so pleaded. The innocent party may waive his or her rights.

II.—*Proceedings to obtain Divorce.*

10. Mexican law has not established special Tribunals for proceedings for divorce suits, so that these must be brought before the Judge of First Instance of the place of residence of the parties, and the proceedings in the suit follow the rules of common law, as established by the Code of Civil Proceedings in force in the various States of the Republic. Judge who has jurisdiction.

Divorce suits are in form ordinary actions, wherein the parties have the same rights and the same means of enforcing them as are granted by the law to other litigants.

11. It is impossible to state the expenses of a divorce suit, as these consist of the lawyers' fees, stamps, and costs occasioned by the several documents, &c., put in evidence, and the motions which have to be made, which vary very greatly in different cases, according to circumstances, and no fixed basis exists for calculating the amount thereof. Expenses.

III.—*Effects of Divorce.*

12. Upon a decree of divorce, the children of the marriage remain in the charge of the innocent party; if both parents are culpable, and there is no grandparent to assume the paternal authority, a guardian must be appointed for the children, according to law. The parents, although losing such authority, are bound by all the obligations theretofore existing towards their children. Loss of parental authority.

13. The party who is guilty loses all his power and rights over the persons and property of the children, during the life of the innocent party, unless the divorcee has Loss of rights over children's property.

been decreed on the ground of disease; but when the latter is dead, the other party recovers such rights, if the divorce have been decreed for the grounds stated in sections 7, 8, and 12 of paragraph 2.

The wife at liberty to contract.

14. Upon the decree being rendered, the goods of each party return to their possession, and the wife is empowered to enter into contracts and litigation without the consent of her husband, unless it is she who has given cause for divorce.

Right of the wife to alimony.

15. If the wife is the innocent party, she is entitled to alimony, even when she has private property, so long as she shall live chastely.

Management of common property.

16. When the wife is the culpable party, the husband retains the control of the common property of both, and pays alimony to the wife, if the ground of divorce have not been the adultery of the latter.

NETHERLANDS.

No. 26.

Sir H. Rumbold to the Earl of Rosebery.—(Received November 13.)

My Lord,

The Hague, November 3, 1893.

I HAVE the honour, in compliance with the instructions contained in your Lordship's Circular despatch of the 16th September last, to transmit herewith a Report drawn up by Mr. des Graz, giving an outline of the Marriage Laws prevailing in this country.

I have, &c.

(Signed) HORACE RUMBOLD.

Inclosure in No. 26.

Report on the Marriage Laws of the Netherlands.

THE Dutch Codes are based on, and are in many points identical with, the French Napoleonic Codes which were introduced into this country at the time of its incorporation into the French Empire in 1810, and remained in force until the year 1838, when a Decree of King William I established the present Dutch Codes as the law of the land.

The fifth chapter of the first book of the "Burgerlijk Wetboek," or Civil Code, contains the various Laws and Regulations appertaining to marriage, and is divided into the following seven sections:—

1. Qualifications and conditions requisite for marriage.
2. Formalities preceding marriage.
3. Oppositions to marriage.
4. Celebration of marriage.
5. Marriages in foreign countries.
6. Marriages which are null and void.
7. Proofs of marriage.

Marriage is considered in the eye of the law as a civil contract; the religious ceremony can only take place after the civil marriage has been celebrated.

In order to contract a marriage a man must be 18, and a woman 16, full years of age.

The Sovereign may grant a dispensation for grave reasons.

Marriage is forbidden—

Between persons of the same family, legitimate or illegitimate, in the direct ascending or descending line, or between connections by marriage in the same lines.

In the collateral line, between brother and sister, legitimate or illegitimate.

Marriage a civil contract.

Age required.
Art. 86 of Civil Code.

Prohibitions.
Art. 87.

Marriage is forbidden—

Between brother-in-law and sister-in-law, legitimate or illegitimate. Art. 88.

Between uncle or great-uncle, and niece or great-niece, and between aunt or great-aunt, and nephew or great-nephew, legitimate or illegitimate.

A Royal dispensation from the operation of Article 88 can be granted for grave reasons.

Marriage is forbidden between a person convicted of adultery and the person with whom such adultery was committed. Art. 89.

A divorced couple may never, for any reason whatever, contract a fresh marriage together. Art. 90.

No woman may remarry until 300 days after the dissolution of her first marriage. Art. 91.

Legitimate minors (under 23 years of age) may not marry without the consent of either— Prohibitions without consent.
Art. 92.

1. Father and mother.

2. Father alone, if the mother does not express her will or disagrees with the father.

3. Mother.

4. Paternal grandfather. Art. 93.

5. Maternal grandfather.

6. Paternal grandmother. Art. 94.

7. Maternal grandmother.

8. Guardian and assistant guardian in that order, presupposing the death, or incapability of expressing their will, of the persons preceding them in the above list. Art. 95.

In cases where both guardians, or one of them, refuse their consent, the Cantonal Judge shall, at the minor's request, summon before him and hear the guardians and four members of the family, chosen in an equal number from both branches, within the degree of relationship of first cousin to the minor, inhabitants of the realm, and of full age. Failing the prescribed number of relations, connections of the minor, who are related in the same degree, are to be summoned. The Judge can then grant or refuse the necessary authorization.

Both parties, minor or guardians and relations, may appeal against such decision of the Cantonal Judge to the District Court ("Tribunal d'Arrondissement"). Art. 96.

The decision of the District Court is final.

Natural children, legally acknowledged by the father, who are minors (under 23 years of age), require the consent of their father, or, if he be dead or incapable of expressing his will, that of the mother. Natural (acknowledged) children.
Art. 97.

Natural children, not acknowledged, or such acknowledged natural children as have lost their parents or whose parents are incapable of expressing their will, require, during minority, the consent of their guardian and assistant guardian. Natural children (not acknowledged).
Art. 98.

Should that consent be withheld, the Cantonal Judge can grant or refuse the necessary authorization, after having summoned and heard the guardians. (The right of appeal to the District Court is reserved to either party.)

Legitimate children, who have attained their majority (23 years), but are not 30 years of age, must ask their parents' consent. Legitimate children over 23 but under 30 years of age.
Art. 99.

That consent being refused, the child may invoke the mediation of the Judge of the Canton where the parents are domiciled.

The Judge shall, within three weeks of the date of the request, summon both parties before him and advise them in their best interests. Art. 100.

If the father, or, failing the father, the mother, does not attend, the celebration of the marriage shall be proceeded with. Art. 101.

If, after attending, the father, and, failing him, the mother, persists in refusing consent, the marriage can only be celebrated three months after the date of such attendance. Art. 103.

The above method of procedure is that to be observed in the case of natural children over 23 but not 30 years of age asking the consent of the persons required by Article 97. Art. 104.

Opposition to a marriage can be made by a person married to one of the contracting parties and by the children of the marriage, the ground of opposition being the existing marriage. Opposition of persons whose consent is required.
Art. 115.

By the father, or, failing the father, by the mother, in the following cases:— Art. 116.

1. If their child, a minor, has not obtained their consent.

2. If their child, no longer a minor, but not 30 years of age, has not asked their consent, or, if in cases of refusal of consent, their child has not solicited the mediation of the Cantonal Judge.

3. If one of the contracting parties, on account of the state of his mental faculties

is actually placed under special guardianship ("curatele"), or if a request that the party should be so placed has been made, but no decision has yet been rendered in the case.

4. If either of the contracting parties come under the laws of prohibition mentioned previously.

5. If the requisite publications have not been made.

6. If either of the contracting parties is placed under special guardianship on account of extravagance, and if the projected union would seem to imperil the future of the party.

Art. 117.

Failing the father and mother, the grandparents may oppose a marriage for reasons set forth above under Nos. 1, 3, 4, 5, and 6.

Art. 118.

Failing any grandparents, the brothers, sisters, uncles, aunts, and guardians may oppose a marriage if the proper formalities to be observed in their case have not been complied with, or for reasons set forth above under Nos. 3, 4, and 5.

Art. 95, 98.

Art. 119.

A divorced husband can oppose the remarriage of his divorced wife before 300 days have elapsed since the dissolution of the former marriage.

Art. 121.

These oppositions are heard and judged in the Court of the district in which is situate the commune where the marriage is to be celebrated.

Formalities preceding marriage.

The following formalities must be observed previous to marriage:—

Art. 106.

Declaration of intention to marry, made either in person or in writing to the civil officer of the domicile of one of the parties.

Two publications, on successive Sundays, made on the door of the Town Hall, stating—

The Christian names and surnames, age, profession, and domicile of the parties; and, when they have already been married, the names of their former husband or wife.

The Christian names and surnames, profession, and domicile of the father and mother of the contracting parties; the day and hour on which, and the place where, the publications are made, mentioning whether first or second publication.

Art. 108.

Art. 109.

If the parties inhabit different communes, both publications must be made in both communes; and if they have only been domiciled six months in one commune, the publications must also be made in those communes in which they were last previously settled.

Art. 110.

The "act" of publication shall, during the interval between the first and second publications, remain posted up on the door of the Town Hall.

Art. 111.

The second publication may, by Royal permission granted for grave reasons, be dispensed with.

Celebration of marriage.
Art. 126.

Before a marriage can be celebrated, the civil officer must be supplied with—

1. Birth certificate of each party.

2. The "act" containing the consent of those persons whose consent is required by law, or the authorization of the Judge when necessary.

(The required consent may also be given at the time of attendance at the marriage.)

3. The act setting forth the mediation of the Cantonal Judge, when necessary.

4. In the case of a second or further marriage, the death certificate of the predeceased husband or wife, or the act of divorce, or copy of the Judge's authorization.

5. The death certificates of all those whose consent to the marriage would have been necessary.

6. The certificate showing that the publications have been made without opposition in the proper places, and the proof of the withdrawal of the opposition, if such existed.

Art. 130.

Three days must elapse between the date of the last publication and the date of the marriage.

Art. 133.

Art. 134.

The parties must appear in person before the civil officer to contract marriage; four witnesses must be present; but the King may, for grave reasons, grant permission to marry by proxy.

Military service.

Between the ages of 19 and 40 a man must also produce proof that he has completed his military service, or that he is exempted from serving.

Marriages contracted abroad.

Art. 138.

Marriages contracted in a foreign country between two Dutch subjects, or between a Dutch subject and a foreigner, are valid if they have been celebrated according to the form in use in that country, and provided the marriage publications have been made in the Kingdom of the Netherlands in conformity with the law, and provided the Dutch contracting parties have not transgressed the several requirements of the Dutch law with regard to marriage.

Art. 139.

The certificate of the celebration of such marriages must be transcribed into the public register within a year of the return of the parties to the kingdom.

Hours in which ceremony can be performed.

The hours in which marriages can be celebrated are fixed by the civil marriage officer ("ambtenaar van den burgerlijken stand") of each commune.

Wednesday is the general "marriage day," the law requiring three days to elapse between the date of the last publication (on a Sunday) and that of the celebration of the marriage.

It is laid down by law that two days a-week shall be appointed in communes of over 10,000 inhabitants, and in all other communes one day a-week, on which marriages shall be celebrated without any payment. The parties must, in that case, be provided with a certificate of indigence ("bewijs van onvermogen") signed by the Burgomaster, which exempts them from the payment of all charges and fees.

In all other cases payments have to be made of certain fees and certain charges:—

Fees vary in different communes according to the room used in the Town Hall, the preparations made, and the day and hour chosen.

Thus, at the Hague, Wednesdays and Fridays, between 10 and 12 o'clock, the ceremony is gratis, if several couples are married at the same time. For a separate marriage during those hours on those days, the fee is 15 florins (1l. 5s.), and before 10 and after 12 (till 4), 30 florins (2l. 10s.).

On the remaining days of the week the fee is 60 florins (5l.).

At Rotterdam the poorer classes who cannot afford a fee must marry on Wednesday before noon.

Other marriages can be celebrated any week-day from 9 A.M. to 3 P.M., except on Thursday, when the hours are 9 to 12.

The fees charged are according to the room used in the Town Hall; 35 florins (2l. 18s. 4d.) for the first class; 20 florins (1l. 13s. 4d.) for the second class; 6 florins (10s.) for the third class. (In the third-class marriages, several couples are married at the same time.)

At Amsterdam, marriages can be performed on any week-day between 9 A.M. and 12 midday only; the fees payable are according to the class of marriage.

The ordinary days for marriages are Wednesdays and Thursdays.

On Wednesdays marriages are either performed gratis for the poorer classes, in which case several couples are united at one time, or else on payment of a fee of 5 florins (8s. 4d.) for the third class, or of 25 florins (2l. 1s. 8d.) for the second class.

On Thursdays, for the second class, the fee is 25 florins (2l. 1s. 8d.).

On any week-day, for the first class, before the Burgomaster, the fee is 100 florins (8l. 6s. 8d.), or for the second class 50 florins (4l. 3s. 4d.).

Besides these fees, certain charges are also made for the papers and certificates which the contracting parties are required to produce.

These small charges naturally vary for each marriage, according to the number of the papers, &c. They are calculated on the following scale:—

	Stamp.		Drawing-up of 1 aper.		Registration.		Legalization by Tribunal.		Total.	
	Fl. c.	s. d.	Fl. c.	s. d.	Fl. c.	s. d.	Fl. c.	s. d.	Fl. c.	s. d.
Birth certificate	0 75	1 3	0 25	0 5	..	..	0 15	0 3	1 15	1 11
Death certificate	0 75	1 3	0 25	0 5	..	..	0 15	0 3	1 15	1 11
Act of marriage	0 75	1 3	0 40	0 8	..	..	..	..	1 15	1 11
„ divorce	0 75	1 3	0 40	0 8	1 20	2 0	..	..	2 35	3 11
„ adoption	0 75	1 3	0 25	0 5	..	..	..	..	..	..
Consent of parents, if given in notarial act, and not by presence at marriage ..	6 00 to 7 0	10 0 to 11 8								
Publication	0 75	1 3	..	..	..	..	0 15	0 3	0 90	1 6
Doctor's attestation in case of insanity of person whose consent is required	0 22½	0 4½	..	..	1 20	2 0	..	..	1 42½	2 4½

No. 27.

Sir H. Rumbold to the Earl of Rosebery.—(Received November 13.)

My Lord,

The Hague, November 3, 1893.

I HAVE the honour, in compliance with the instructions contained in your Lordship's Circular despatch of the 16th September last, to transmit herewith a Report, drawn up by Mr. des Graz, on the subject of the Law on Divorce in this country.

I have, &c.

(Signed) HORACE RUMBOLD.

Inclosure in No. 27.

*Report on the Divorce Laws of the Netherlands.***DIVORCE may not take place by mutual consent.*****The only grounds for divorce are :—****Adultery.****Malicious desertion.**

Conviction for certain offences (" misdrijven ") entailing imprisonment for four years or more.

Serious wounds, or such injurious treatment inflicted by one of the parties on the other as to endanger life or cause grave wounds.

When one of the parties has been sentenced to any punishment for adultery, or for certain offences to a term of imprisonment of at least four years, the other party can obtain a divorce by producing before the District Court a copy of the verdict in question, together with the proof that no further appeal exists from such verdict.

A petition for divorce based on these grounds must be presented within six months of the date of the delivery of the verdict on which it is based.

All actions for divorce (except those based on malicious desertion) must be brought before the Court of the district in which the husband's domicile is situated.

Actions based on malicious desertion must be brought before the Judge of the district in which the last joint domicile of the parties was situated. Such applications cannot be entertained unless the party who has deserted the conjugal domicile without legitimate cause refuses to return.

An action for divorce, based on malicious desertion, cannot in any case be brought until five years have elapsed since the one party abandoned the joint domicile, and, if that party's absence be due to legitimate causes, the period of five years begins to run only from the time when such cause has ceased to exist.

The wife, whether petitioner or defendant in a divorce case, can, with the Judge's authorization, leave the husband's domicile during the prosecution of the case.

The Court shall appoint a house where the wife is bound to reside.

The wife can also demand an allowance for alimony during such time, the amount to be fixed by the Judge. She loses this by leaving the house appointed as her residence without the Judge's permission.

The Court shall also, if thereto requested, indicate which of the parties shall have the custody of the children during the proceedings.

Reconciliation between the parties puts an end to the proceedings.

Cohabitation subsequent to the wife's departure from the joint domicile is held to be reconciliation.

In an action for divorce on account of malicious desertion, the return of the absent party to the joint domicile before the decree of divorce is rendered puts an end to the proceedings.

The Judgment granting divorce must, at the request of one or both parties, be inscribed in the civil register of the place of domicile of those parties within six months of the date of the rendering of the final decision in the case. Otherwise, the Judgment is held not to have effect.

If, except in the case of malicious desertion, one of the parties has disappeared from the domicile for ten full years, and no news has been received of such party, the other party, duly authorized by the Tribunal of the district in which the joint domicile is situated, may make three public summonses, at three months' interval between each summons, and if the absent party does not appear in person or by proxy, the Judge can authorize the husband or wife to contract a fresh marriage.

In cases when five years have elapsed since the parties to a marriage have obtained a judicial separation,† and no reconciliation has come about during that time, either party has the right to summon the other in Court and to ask that the marriage should be dissolved.

* It may be stated that in undenied divorce cases the practice has hitherto been followed of passing judgment by default against the absent party, and the proofs of the grounds on which the action is based are not called for.

† The grounds for separation are the same as those for divorce, with the addition of excess, brutal treatment or grave insults, and common consent.

"Burgerlijk Wetboek,"
book i. chap. ii, sec. 3.
Art. 263.
Grounds of divorce.
Art. 264.

Divorce based on
conviction for adultery
or certain offences.
Art. 265.

Proper Court to take
cognizance of actions
for divorce.
Art. 266.

Malicious desertion.
Action heard in
District Court of last
joint domicile.

Period of five years
must elapse after the
desertion.

Wife's leaving
husband's domicile.
Art. 267.

Alimony. Art 268.

Custody of children.
Art. 269.

Reconciliation.
Art. 271.

Registering of Judgment.
Art. 276.

Dissolution of
marriage owing to
continued absence of
one party.
Arts. 549, 550.

Dissolution of
marriage after judicial
separation for five
years. Art. 545.

This petition shall at once be refused if the summoned party opposes the dissolution of the marriage. Art. 256.

If there be no opposition to the petition, the parties shall be summoned to appear together before one or several Judges, on two different occasions, a period of between three and six months being allowed to elapse between the first and second attendance. Parties to attend in person before Court. Arts. 257, 258.

If by these means a reconciliation has not been effected, the Court shall determine on and grant the petition.

This verdict of dissolution, which can be appealed against during one month from the date of rendering, must be inscribed in the civil register within six months of such date. Appeal for one month. Verdict to be registered. Arts. 259, 260.

The person demanding a divorce must present an application to the Tribunal, setting forth the facts and adducing proofs in support. Procedure in cases of divorce.

The application must be presented by the party in person to the President of the Court, or to the official of the Court deputed by the President, who shall make such representations as may seem suitable to the petitioner. "Wetboek van Burgerlijke Regtsvordering," chap. iv, sec. v, Art. 816.

If the request is maintained, the President shall order both parties to appear on a fixed day at a stated hour. Art. 117.

At the time of such appearance before him the President shall make to both parties or to the petitioner, if the petitioner alone appear, the observations best suited to effect a reconciliation. Art. 819.

If a reconciliation is not brought about, the Judge can decide where the wife shall reside for the time being, which parent shall have the custody of the children, and the amount of the allowance for alimony (if requisite) to be paid to the wife during the proceedings. Art. 821.

If all attempts at reconciliation have failed, the Judge shall give the petitioner leave to prefer a demand for divorce before the Court.

The case shall be pleaded with closed doors, and the Judgment pronounced publicly and published. Art. 822.

The cost of a divorce suit depends entirely on circumstances.

Cost of a divorce.

If the parties to a suit are in possession of a certificate of "onvermogen" (indigence) signed by the Burgomaster, the proceedings are free of all charge.

In other cases the following is the scale of the judicial fees:—

				Fl. c	s. d.	
Petition (on stamped paper)	..	..	..	3 50	5 10	
Copy served on adverse party	..	..	..	3 50	5 10	
Each appearance before Judge	..	..	..	4 25	7 1	
Inscription on list of cases	..	..	..	1 10	1 10	
Lawyer's minute on petition	..	..	..	0 35	0 7	
				7 00		
Copy of Judgment if required (average)	..	..	..	to	12 6	
				8 00		
Certificate of non-appeal	..	..	..	3 05	5 1	
Court messengers (average)	..	..	..	1 50	2 6	

Arts. 816, 819.

These charges do not include the fees to the lawyers, which obviously vary greatly in proportion to the length, and according to nature of the proceedings—nor the expenses of witnesses—nor the legalization of the various papers required.

It is therefore impossible exactly to fix the exact cost of a divorce, but in an ordinary case the average expense may be stated very roughly to be between 70 florins (6*l.*) to 120 florins (10*l.*).

PORTUGAL.

No. 28.

Sir H. MacDonell to the Earl of Kimberley.—(Received May 4.)

My Lord,

Lisbon, April 28, 1894.

I HAVE the honour to state that, in obedience to the instructions conveyed in your Lordship's despatch of the 24th ultimo, I requested Senhor Henriques, a competent solicitor in this town, to draw up a translation of the more important provisions contained in the Portuguese Civil Code relative to marriage and judicial separation, divorce being excluded, by reason of the established Roman Catholic religion.

I now beg to transmit to your Lordship herewith the Report furnished by Senhor Henriques, which has just reached me, and which appears to me to be an able and exhaustive document, and calculated to satisfy the requirements of Her Majesty's Government.

I have, &c.
(Signed) H. G. MACDONELL.

Inclosure in No. 28.

An Abstract of the Laws of Marriage and Judicial Separation in Portugal.

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PART I.—*Marriage in its Relation to Persons.*

1. *General Clauses.*

(Articles 1056 and 1057 of the Civil Code.)

1. Marriage is defined by the Portuguese Legislature to be a contract in perpetuity between two persons of different sex for the purpose of legitimately forming a family. Definition of marriage.

2. Marriages of Roman Catholics must be celebrated in the form prescribed by the Roman Catholic Church. Those who are not Roman Catholics must be married by the officer charged with the civil registration, the conditions under which such marriages are contracted and the form of their celebration being those laid down in the civil law. Marriages of Roman Catholics must be celebrated ecclesiastically; those of persons of other persuasions civilly.

2. *Clauses applicable to both kinds of Marriages.*

(Articles 1058 to 1068 of the Civil Code.)

The following are prohibited :—

Prohibited marriages.

3. Marriages of persons who, being under 21 years of age, or who, being of full age, but deprived of the right to dispose of their persons or property, have not obtained the consent of their parents, or of those *in loco parentis*, according to sections 14, 15, and 16 of this Abstract. Minors or the equivalent of such may not marry without the consent of their parents or of those *in loco parentis*.

4. A marriage between a guardian or his descendants and such guardian's ward before the expiration of the guardianship and the approval of the accounts thereof, unless the deceased father or mother of the ward has given permission for such marriage by testamentary disposition or other authentic document. A guardian or his descendants may not marry such guardian's ward.

5. An adulterous consort may not marry his or her paramour judicially declared to be such. Adulterers may not marry their paramours.

6. A consort who has been condemned as principal or accessory in the murder, or attempted murder, of the other consort, may not marry a person who, whether as principal or accessory, took part in the perpetration of the crime, or contributed to its perpetration.* Married persons who have murdered or attempted to murder their consorts may not marry their accomplices in the crime.

7. Marriage is also prohibited to those who are in holy orders, or bound by solemn vow recognized by the law. Ecclesiastics or others bound by vow to celibacy may not marry.

8. The infraction of the foregoing rules produces no effects beyond those herein-after stated. Consequences of infraction.

9. If a minor, not emancipated, or a ward, marries without the consent of his or her parents, or of those *in loco parentis*, he or she incurs the following consequences :— Marriage without consent.

10. But first it must be explained that the *emancipation* of a minor means an authorization to act as if he or she were of full age, which may, with certain judicial formalities, be granted by the father of the minor, if he is living, by the mother if the father is dead, or by a committee of relatives or friends, called a "family council," if both are deceased. This emancipation imparts the full powers of majority, but it only becomes effective upon the minor attaining the age of 18, and with his or her consent. Marriages of minors contracted with the consent of their parents, or other superiors, produce the effects of emancipation if the male is 18 or the female 16 years of age. (Articles 304 to 310 of the Civil Code.) Meaning of emancipation of a minor.

11. Minors, not emancipated, who marry without proper consent, cannot claim the administration of their estate until they attain the full age, but they may claim to be supported out of the income thereof. Marriages of minors contracted without proper consent do not produce emancipation.

* N.B.—Capital punishment is not recognized by Portuguese law.

Marriage without the consent of their guardians does not give to wards the management of their property.

Marriages of minors or wards contracted without proper consent are exempt from community of possessions.

Right of parents to give consent.

12. Persons of full age, but under guardianship, can only obtain the administration of their property when the reason for which they were deprived thereof ceases to exist. In all other respects they are on a par with minors.

13. Marriages contracted by unemancipated minors, or by persons of full age under guardianship, without the proper consent of their parents or guardians, are always considered to be contracted without community of estate.

14. If there is a difference of opinion between the parents as to the granting of the consent to marry, the father's opinion prevails. If one parent only is alive, or if one of them is legally incapacitated, the consent of the survivor, or of the one who is free to act, is sufficient, except if the survivor, being the mother, has contracted a second marriage, and has not been confirmed in the administration of her child's estate, for in that case the power to give consent lies with the family council.

Right of grandfather to give consent.

15. If, owing to the absence or incapacity of the parents, the grandfather is the guardian, the power for consent or refusal lies with him.

Right of the family council to give consent.

16. In the absence or incapacity of both parents and grandparents, the power to give consent lies with the family council.

No appeal allowed.

17. The consent or refusal admits of no appeal.

Effects of an illegal marriage between guardian and ward.

18. If a guardian, or the descendant of a guardian, marries the ward of such guardian in spite of the prohibition treated of in section 4, he becomes incapacitated to receive anything from that ward, whether by gift or testamentary disposition, and the marriage is held to have been contracted without community of estate. Moreover, the guardian is deprived of the administration of the ward's estate during his or her minority.

19. The same principles are also applicable to all the persons mentioned in sections 5 and 6 who marry in spite of the prohibition therein contained.

Marriages of Portuguese subjects abroad.

20. A marriage contracted in a foreign country between Portuguese subjects produces no civil effects in Portugal if it be not contracted in accordance with the Portuguese laws in everything except the external form of the contract, which, under Article 24 of the Civil Code, may be that of the country in which the marriage is contracted.

Marriages contracted abroad between Portuguese subjects and foreigners.

21. A marriage contracted in a foreign country between a Portuguese subject and a foreigner produces civil effects if, as regards the former, the requirements of Portuguese law have been observed.

Promises to marry under penalty or otherwise are null and void.

22. The consent of the contracting parties to a marriage can only be irrevocably given at the time of the celebration of that marriage; consequently, all contracts are null and void in which, under the plea of betrothal, or any other designation, the contracting parties bind themselves to marry, whether under penalty or otherwise. But any person who, under a promise to marry, has, on that account, received gifts, or authorized any outlay, is not relieved from the obligation to return the said gifts, or to indemnify the person making such outlay if called upon to do so.

Marriage by proxy.

23. The consent to a marriage may be given by proxy, provided that the power of attorney is a special one, and the name of the bride or bridegroom, as the case may be, is fully stated therein.

3. *Clauses applicable only to Roman Catholic Marriages.*

(Articles 1069 to 1071 of the Civil Code.)

Roman Catholic marriages must be celebrated according to the canon law.

24. Roman Catholic marriages only produce civil effects when celebrated according to the canonical laws accepted in Portugal, or in any way recognized by those laws, subject to the following clauses:—

Effects of the canon and civil laws respectively upon Roman Catholic marriages.

25. The canon law defines and regulates the spiritual conditions and effects of marriages; the civil law defines and regulates their temporal conditions and effects.

26. Any minister of religion who celebrates a marriage contrary to the dispositions of sections 3 to 7, both inclusive, renders himself liable to the pains and penalties of the criminal law. The punishment for this offence, under Article 136, section 2, of the Penal Code, is a maximum of two years' imprisonment without hard labour, and a fine of not less than 3 milreis (13s. 4d.), or more than 730 milreis (162l.), according to the offender's circumstances.

Penalties incurred by ecclesiastics who celebrate illegal marriages.

27. Ecclesiastical marriages may be celebrated, under ordinary conditions, at any hour between sunrise and sunset, and, in cases where one or both of the parties is in peril of death, at any hour of the day or night. Ordinary marriages may be celebrated during the night by special licence from the head of the diocese. At some towns in Portugal, as, for instance, at Villa Franca de Xira, near Lisbon, almost all the marriages are, by an old custom, celebrated during the hours of darkness.

Hours at which ecclesiastical marriages may be celebrated.

28. The fees fixed by law for the various acts connected with the celebration of ecclesiastical marriages are as follows:—

Fees for ecclesiastical marriages.

For one publication of the banns, 120 reis (6½d.).

For three publications of the banns, 480 reis (2s. 2d.).

(The banns are published three times at the place or places of birth, and of residence during the three previous years, of the bride and bridegroom; and once only at each of the two nearest parish churches in each case. If the marriage is not celebrated within six months, the publication must be repeated.)

For a marriage celebrated in the parish church with stole only, 800 reis (3. 6d.); with chasuble, 1\$200 reis (5s. 6d.).

For a marriage celebrated out of the parish church, 6\$400 reis (1l. 8s. 6d.).

(The foregoing fees for the celebration of marriages are payable to the parish priest; an additional 50 per cent. has to be given to the sacristan or parish clerk; and a fee varying from 480 reis (2s. 2d.) to 2\$400 reis (10s. 8d.) is paid in most of the city churches towards the expenses of the sacred edifice. The fee must be paid to the priest of the parish where the bride resides, whether he celebrates the marriage or not. These charges are, however, only binding in the cities of Lisbon and Oporto. In the rural districts, almost every parish has a different tariff. In some the custom is to make a complimentary present to the priest of cakes, wine, or other eatables, with or without a small sum of money to him and to the sacristan.)

For a certificate of marriage, when the year in which it was celebrated is given, 240 reis (1s. 1d.); if the year is not given a small search fee is paid for each year examined.

All documents have to be written upon paper, each leaf of which bears a 100 reis (6d.) stamp.

4. *Clauses applicable only to Civil Marriages.*

(Articles 1072 to 1082 of the Civil Code.)

29. Marriages between Portuguese subjects who are not Catholics also produce all civil effects, if the conditions essential to all contracts have been observed, together with those of sections 3 to 7, both inclusive, and the following ones.

Of civil marriages between Portuguese subjects who are not Roman Catholics.

30. Relations by consanguinity, or affinity, in the direct line, may not marry.

Prohibitions.

31. Collateral relations in the second degree (brothers and sisters) may not marry.

32. Collateral relations in the third degree (uncles and nieces and aunts and nephews) may not marry without a dispensation, which will be granted by the Government if reasons of importance require it.

33. Males under 14, and females under 12, may not marry.

34. Persons bound by a previous marriage, undissolved, may not marry.

35. Marriages which are an infraction of the five preceding rules are null and void.

Formalities which
precede a civil
marriage.

36. Any person who desires to marry in the way prescribed by the civil law lodges with the officer of the civil registry of the place of his or her domicile or residence a declaration, signed by both the contracting parties, setting forth their Christian and surnames, age, profession, and place of domicile or residence, as well as the Christian and surnames, profession, and place of domicile or residence, of their respective parents.

37. Should one of the contracting parties not reside in the district of the Registrar selected for the celebration of the marriage, the declaration in question must be lodged with the Registrar of the place of residence of each party; and a statement must be added showing which is the one selected for the celebration of the marriage.

38. The said declaration must be accompanied by certificates of the ages of the contracting parties, and by documents proving the consent of their legitimate superiors and the dispensation spoken of in section 32, when any, or all, of those documents are necessary.

Notices affixed during
fifteen days supply
the place of publication
of the banns.

39. The officers of the civil registry with whom the before-mentioned declaration is lodged cause to be affixed, in some public spot, at the entrance of their offices, a notice setting forth the intention of the contracting parties and all the before-mentioned information, and calling upon all persons who may be acquainted with any of the legal impediments contained in sections 3 to 7 and 30 to 34 to come forward and declare the same within fifteen days.

Competency to raise
the question of
consent.

40. The question of the consent treated of in section 3 can only be raised by those whose consent is requisite.

41. If at the expiration of fifteen days no legal impediment has been notified, and if the Registrar be not acquainted with any, he proceeds to celebrate the marriage in accordance with section 47.

42. When publication of the banns has had to be made at more than one registry office, the officer who has been selected to perform the ceremony requires that a certificate be filed, showing that before no other of the Registrars, where such publication of the banns was made, has any impediment been raised, and that neither he nor they are aware of any legal impediment to the said marriage.

43. When a year has elapsed since the publication of the banns without the marriage having been celebrated, the ceremony may not be performed without republication.

Caveats can only be
removed by judicial
sentence.

44. If, during the time of publication of the banns, or before the celebration of the marriage, the Registrar becomes acquainted with a legal impediment to such marriage, whether by denunciation or otherwise (in which latter case he must declare the same in writing), the marriage may not be celebrated without the said impediment being declared unfounded by judicial sentence in a legal proceeding.

Form of denunciation
of impediments.

45. Denunciations of impediments to marriages must set forth the nature of the impediment, and the place of domicile or of residence, of the person making the same. They must also be dated and signed, and the signature attested by a Notary Public.

Responsibility of
those raising impediments maliciously.

46. The denunciation of impediments declared by judicial sentence to be false subjects the person making the same to the payment of damages, in addition to the penalties of the law, if he or she has acted with *malice prepense*.

Mode of performing
the ceremony of a
civil marriage.

47. For the performance of the marriage ceremony the contracting parties, or their proper attorneys, must appear at the office of the officer who is to draw up the contract, unless one of the contracting parties is unable, from illness, to be present, and does not send a proxy to represent him or her, in which case the said officer must go to the place where the said contracting party is. In the presence of the contracting parties, or their representatives, and of the witnesses, the officer reads aloud Articles 1056 and 1057 of the Civil Code (sections 1 and 2 of this Abstract), and, after so doing, asks each of the contracting parties if he or she is still resolved to celebrate their marriage in that way. Upon receiving an affirmative reply from both, he proceeds to draw up the act of the marriage, with the formalities prescribed in the Code, and the respective Code of Rules,

without any previous inquiry as to the religion the contracting parties may profess. When the ceremony is performed within the precincts of the registry office, two witnesses are required; if it is performed elsewhere, six witnesses must be present. Number of witnesses required.

48. The officers of the civil registry who celebrate marriages otherwise than in the form hereinbefore prescribed incur the same penalties as ministers of religion (see section 26).

49. The foregoing dispositions with regard to civil marriages, though included in the Civil Code of the 1st July, 1867, which came into force in Portugal on the 22nd March of the following year, were not practically available until the 1st January, 1879, when a Code of Rules was published setting forth the mode of celebrating such marriages. Period at which civil marriages were first allowed in Portugal.

50. Under those Rules the Administrator of each Municipality in the rural districts, or of each ward in the cities of Lisbon and Oporto, is, *ex officio*, the Civil Registrar thereof (Article 2 of Code of Rules). The Administrators of the Municipalities and wards are Registrars *ex officio*.

51. The books are kept in duplicate, and are supplied at the cost of the respective Municipal Chambers, the Presidents of which number and sign each leaf of those books, commencing and concluding the same with a short written act signed by them setting forth the date of those formalities, the number of leaves contained, and other details. At the end of each book there is an alphabetical index of the names of the parties figuring in the book, with references to the different acts relating to them. The numeration is by annual series (Articles 3 to 9). Registers are in duplicate.

52. Only a single line is allowed between each Act, and that must be filled up with a line in ink. No abbreviations or figures are admissible. All corrections, erasures, interlineations, and such like must be declared by the writer of the act, at the conclusion thereof, before the signatures are affixed, under pain of invalidity (Article 10). Formalities to be observed in drawing up the acts.

53. The entries must be read out in the presence of the interested parties before they are signed, and mention that it was so done must be made in the act. If, after an act is signed, any rectification is necessary, a statement of the facts must be commenced immediately following the original entry, in the same column, and must be signed by all the signatories of the act so rectified (Articles 12 and 13). Mode of rectifying acts of civil marriages.

54. No act may contain more or less information than is required by the law (Article 14). Limitation of contents of such acts.

55. The act must be drawn up in the form prescribed by the Code of Rules (Article 15).

56. When once an act has been definitively signed no further declaration, correction, rectification, addition, or alteration may be made thereto, except by virtue of a judicial sentence, a précis of which must be written in the margin of the act it refers to, and the original be deposited in the archives, together with all documents connected with each of the acts, after the same have been marked by the Registrar with his signature for identification (Articles 16 and 17). All additions, rectifications, &c., after the acts are definitively signed are strictly prohibited.

57. Authentic copies of the acts of the civil marriages of persons married elsewhere than in the place of their domicile may be copied into the registers of their domicile if they apply for it to be so done (Article 18). Acts of marriages celebrated away from the domicile of the contracting parties may be registered.

58. The acts of the marriage of foreigners residing in Portugal may, if they apply for it to be done, be entered upon the civil registers, such dispositions of Portuguese law as are applicable being observed (Article 20). Foreigners residing in Portugal may have the proofs of their marriages inscribed on the registers.

59. The Administrators, as Registrars, have to send quarterly extracts from the registers to the Ministry of State for Judicial and Ecclesiastical Affairs (Article 21).

60. Administrators of Municipalities or wards who in any way break the Rules prescribed in the Code now quoted are liable to a fine of not more than 10 milreis (2l. 5s.) for the first offence, or not more than 20 milreis (4l. 10s.) for the second Penalties for infraction of the Rules.

offence, and are responsible for damages to the interested party. If their property is insufficient to cover the damages, they may be imprisoned for an equivalent period calculated according to law (Articles 50 and 53); and the law is that the term of imprisonment be one day for each 500 reis (2s. 3d.) of damages (Article 122, section 3, of the Penal Code).

Fees for the celebration of civil marriages.

61. The fees charged for civil marriages are :—

For affixing notices of marriages and other formalities prior to the ceremony, 1\$200 reis (5s. 6d.).

For the duplicate acts, when the ceremony is performed in the office, 1 milreis (4s. 6d.); out of the office, 2 milreis (9s.).

For stamps, about 460 reis (2s.).

Certificates, including stamp, 600 reis (2s. 7d.), or more, according to length.

62. Form for an Act of Civil Marriage.

Form for acts of civil marriages.

In this column is written :—

1. The number of the act in order of succession.
2. The names of the contracting parties.
3. The numbers affixed to the different documents mentioned in the act.

In the house of [address where the act was drawn up], in the Municipality or ward of _____ at _____ o'clock in the [morning or afternoon] of the _____ day of the month of _____, and year of our Lord _____, there appeared before me *M. and N.* [names and descriptions of the contracting parties], personally known to me as being those persons, having fulfilled all the requirements of the law, without any impediment to their marriage, he [here follows the bridegroom's age, state, birthplace, and place of domicile; if he is a minor, the consent of his legitimate superior is mentioned, with a declaration either that such superior signs the act, or that an authentic document was presented proving such consent; if a judicial permit has been obtained in the place of such consent, the proof thereof is quoted], the legitimate son of *M. and N.* [names, surnames, and birthplaces of the parents, if he is not an illegitimate child or a foundling, for in such case only the words "an illegitimate child" or "a foundling" are inserted], grandson of *M. and N.* [names, surnames, and birthplaces of the grandparents, if they are known], and she, the legitimate daughter of *M. and N.* [names, surnames, and birthplaces of her parents, if she is not illegitimate or a foundling, for in such case only the words "an illegitimate child" or "a foundling" are inserted], granddaughter of *M. and N.* [names, surnames, and birthplaces of her grandparents, if they are known], who, after they had heard me read over Articles 1056 and 1057 of the Civil Code, declared that they were still resolved to celebrate, as by these presents they do celebrate, their marriage in the form prescribed by the civil law. The witnesses present were *M. and N.* [full names, profession, birthplaces, and domiciles], whom I know to be the right persons.

In testimony whereof I have drawn up this act in duplicate, which, after both copies had been read and respectively collated before the contracting parties and the witnesses, was signed by all [or by all but *M.*, who, not knowing how to write, *N.* signed for him]. Date as above.

The contracting parties { _____

The Administrator _____

The witnesses { _____

5. On the Proving of Marriages.

(Articles 1083 to 1085 of the Civil Code.)

Mode of proving marriages celebrated in Portugal.

63. Marriages contracted in Portugal can only be proved by a certificate extracted from the proper register, unless it be proved that such register has been lost, in which case any other form of proof is admissible.

64. But no one may contest the marriage of persons deceased who were received as married, and this to the detriment of such persons' children, basing the contestation upon the absence of a certificate, if the deceased did not declare the place where their marriage took place, unless, by another certificate, it can be shown that one or other of the couple deceased was married at that time to some one else.

Conditions under which jactitation of marriage may be contested.

65. Marriages celebrated in a foreign country may be proved by evidence of any kind, if, in such foreign country, acts of that nature are not subject to an authentic and regular form of registration.

Mode of proving marriages celebrated abroad.

PART II.—*Marriage in its Relation to Property.*

6. *General Clauses.*

(Articles 1096 to 1107 of the Civil Code.)

66. Betrothed parties are permitted to settle before their marriage, and within the limits fixed by the law, what they please with regard to their property.

Ante-nuptial settlements are allowed.

67. Such settlements are not valid unless executed by notarial deed.

Form in which ante-nuptial settlements must be executed.

68. In the absence of any agreement or settlement, it is assumed that the marriage is "according to the custom of the kingdom," unless it has been contracted in opposition to the rules of Article 1058, sections 1 and 2 (sections 3 and 4 of this Abstract), in which case the couple will be held to have married with separation of their original estates, but community of acquisitions.

Consequences of no ante-nuptial settlement being executed.

69. If the betrothed parties declare simply in their contract that they wish to marry "according to the custom of the kingdom," the prescriptions of Articles 1108 to 1124 of the Civil Code (sections 78 to 97 of this Abstract) must be carried out.

Marriage "according to the custom of the kingdom."

70. If they declare simply that they wish to marry with nothing more than a community of acquisitions, the prescriptions of Articles 1130 to 1133 of the Civil Code (sections 107 to 111 of this Abstract) must be carried out.

Marriage with community of acquisitions.

71. If they declare simply that they wish to marry with separation of possessions, the prescriptions of Articles 1125 to 1129 of the Civil Code (sections 98 to 106 of this Abstract) must be carried out.

Marriage with separation of estate.

72. If they wish to marry with a settlement, the prescriptions of Articles 1134 to 1165 of the Civil Code (sections 112 to 145 of this Abstract) must be carried out.

Marriage with settlement.

73. Any clause which alters the legal order of succession of legitimate heirs, or those paternal or conjugal rights and duties which the law holds to be sacred, shall be held as not written.

The order of succession of legitimate heirs, and the conjugal and paternal rights, may not be altered by ante-nuptial settlement.

74. The female cannot, by ante-nuptial contract, deprive her husband of the administration of their joint estate, but she may reserve to herself the right to receive, as pin-money, a part of the income of her separate estate, and may freely dispose of the same, provided that the amount thereof does not exceed one-third part of the said net income.

The husband may not resign his right to administer the wife's separate estate.

Wife may reserve not more than one-third of her income as pin-money.

75. Ante-nuptial settlements cannot be altered or revoked after the marriage has been celebrated.

Ante-nuptial settlements may not be revoked or altered after celebration of the marriage.

76. Ante-nuptial settlements made abroad, between Portuguese subjects, are governed by the dispositions of this chapter, but they may be drawn up in any form which is authentic in the country where they are made, or may be executed before the Portuguese Consular authorities in such country, in which case they will, of course, be in the Portuguese form.

Ante-nuptial settlements made by Portuguese subjects abroad are subject to Portuguese law as regards their conditions.

Marriages without
settlement contracted
abroad between Portu-
guese and foreigners.

77. If the marriage is contracted in a foreign country between a Portuguese subject and a foreign subject, no ante-nuptial settlement being made, it will be subject to the common law of the bridegroom's country, without prejudice to the Rules of the Portuguese Civil Code as regards real estate.

7. Marriage according to the Custom of the Kingdom.

(Articles 1108 to 1124 of the Civil Code.)

Definition of
"marriage according
to the custom of the
kingdom."

78. Marriage "according to the custom of the kingdom" implies a community, as regards the married couple, of all their possessions, present and future, which are not exempted by the law.

Property exempt
from community.

79. The various species of property so exempt are as follows :—

(a.) A certain class of copyhold property, now almost extinct, the holder of which had the power of naming his successor, either during his or her lifetime, or by testamentary disposition.

(b.) Property given or bequeathed under condition that it should be exempt from community. Also, any property which has been substituted for the same.

(c.) Property inherited by a widow or widower by the decease of his or her child by a former marriage, when other children by the said former marriage are still living.

(d.) Two-thirds of the estate of a widow or widower who marries a second time, or of any property he or she may afterwards inherit from relations, provided that any descendants by the prior marriage are still living.

(e.) The dresses, linen, and personal effects of a like nature, and the engagement jewellery presented to the bride by the bridegroom previous to the marriage.

(f.) The exemption from community of which the foregoing paragraphs treat does not extend to the product or income of the said estate, the expenditure upon improvements, nor the consideration given for copyhold estate purchased during the married life.

Liability for debts
contracted before
marriage.

80. All debts of both husband and wife, contracted previously to the marriage, are exempt from community, unless the consort not so indebted bound him- or herself, or chooses to bind him- or herself, to the payment thereof, or unless the proceeds of the debt were applied to their mutual benefit.

Definition of debts
incurred before
marriage.

81. Debts are held to be incurred previously to the marriage when they are the result of some act of the married parties while they were still single, although such debts may only become due after the marriage has been celebrated.

Mode by which ante-
nuptial debts may be
recovered after the
dissolution of the
marriage.

82. The creditors of such before-mentioned debts may, however, if the property brought by the debtor to the joint estate be insufficient to cover his or her liability, obtain payment of their claim from the debtor's half of the estate afterwards acquired, but such claim can only be enforced after the marriage has been dissolved by death, or otherwise.

Circumstances under
which debts contracted
in wedlock are recover-
able from both
husband and wife.

83. Debts contracted during wedlock by the act or contract of both consorts, or by either with the consent or authorization of the other, or by the wife only under the circumstances in which she is allowed to do so by Article 1116 of the Civil Code (section 89 of this Abstract), are binding upon both consorts.

84. If the joint estate is insufficient for the payment of such debts, the separate estate of either consort is liable for the same.

A consort who is
forced to pay more
than his or her just
part of a joint debt can
recover the balance
from the other.

85. The consort who is forced to pay out of his or her separate estate a larger proportion than the half of the said debt for which he or she is responsible has the right to recover the excess so paid from the separate estate (if any) of the other consort.

Debts contracted by
the husband without
the wife's consent do
not bind her.

86. Debts contracted by the husband without the wife's authenticated consent are claimable from his separate estate, and, if that be insufficient, are also claimable from his half of the joint estate: but such claim can only be enforced after the marriage has been dissolved, or a separation of possessions been decreed.

87. But if the product of such debts was applied to their joint benefit, or if the debts were contracted at a time when the wife was absent, or in any way incapacitated from becoming a party thereto, and the purpose for which the debt was contracted would not admit of the delay necessary for her return, or for the removal of such incapacity, their joint estate will be subject to the payment of such debts.

Exceptions to the foregoing rule.

88. Whether as regards the husband or the wife, the two preceding paragraphs are applicable to debts arising from crimes or unlawful acts committed by one or other of them; and also to debts chargeable upon property which is exempt from community, unless the said debts are of the nature of interest, quit-rents, and charges of a like nature, which shall have become due after such property was acquired.

Other debts to which the two preceding sections are applicable.

89. The wife may not contract debts without her husband's authorization, unless he be absent or incapacitated, and the purpose for which the debt was contracted will not allow of waiting for his return, or for the cessation of his incapacity.

A wife may not contract debts without the husband's authorization, except under certain circumstances.

90. The possessory right to the joint estate lies in both parties while the marriage tie exists; but the administration of their mutual possessions, not excepting the wife's separate estate, lies with the husband. The wife can only manage the same by her husband's consent, or in his absence or incapacity.

The possessory right to the joint estate belongs to both husband and wife: the administration thereof to the husband only.

91. The husband may freely dispose of their mutual personalty; but if, without the wife's consent, he disposes thereof, or puts any charge upon the same, without a consideration received, the value of the personalty so disposed of comes out of his half thereof.

Conditions under which the husband may dispose of the joint personalty.

92. The real estate, whether joint or separate, cannot be disposed of, or in any way charged, without the consent of both consorts; but if either party declines, without just reason, to give such consent, his or her opposition may be overcome by an order from the Courts.

Real estate cannot be disposed of without the consent of both husband and wife.

93. The husband may not resign the right to any heritage or bequest without his wife being a party thereto; but any responsibility arising from his sole acceptance of such heritage only falls upon his half of the joint estate, or his separate property.

Resigning right to any heritage or bequest.

94. The community of estate ceases with the dissolution of the marriage or a judicial separation.

Community of estate ceases upon the dissolution of the marriage or a judicial separation.

95. Upon the decease of one or other of a married couple, the survivor remains in possession of, and administers, the joint estate until the end of the liquidation thereof, except (1) as regards property exempt from community, although, if the person entitled to such property is a minor, the father or mother will continue to administer it; and (2) in cases where there may exist a right of retention for improvements effected, or a community as regards the price for which such property was purchased.

When one of the consorts dies, the survivor retains possession of the joint estate until it is liquidated.

96. The estate in which the community exists is divided with due equality between the married couple or their heirs, each one bringing into the common fund any sums for which he or she ought legally to account.

The joint estate is equally divided.

97. The wife has a priority of payment for her claims over the husband's; and, if the joint estate is not sufficient to cover those claims, the husband's separate estate is responsible for the balance, unless the claim is one for which he is not answerable. The husband has no similar claim upon the wife's separate estate.

The wife has a right of priority of payment.

8. *Marriage with Separation of Possessions or simply a Community of Acquisitions.*

(Articles 1125 to 1133 of the Civil Code.)

98. If the betrothed parties declare that they wish to marry with separation of possessions, the community of acquisitions is not assumed to have been thereby excluded, unless expressly stated to be so.

Marriage with separation of possessions does not imply separation of acquisitions unless expressly stipulated.

99. The dispositions contained in Articles 1130, 1131, and 1132 of the Civil Code (sections 107 to 110 of this Abstract) are applicable to this form of settlement.

Consequences of the separation of estates.

100. When a marriage is contracted with separation of possessions, each of the parties thereto retains his or her power over everything he or she possesses, and may freely dispose of such possessions, subject to the following restriction :—

Power of the husband over the wife's separate personality.

101. As regards the wife, and her personality which is exempt from community, together with one-third part of her income, the dispositions of Article 1118 of the Civil Code (section 91 of this Abstract) as regards the husband, and the joint personality, apply in this class of marriage to the wife, except in the case of money placed at interest, to which, as well as to the other two-thirds of the income, and the real estate, the dispositions of Article 1119 of the Civil Code (section 92 of this Abstract) are applicable.

Debts of the married couple.

102. With regard to the debts of the married couple, the following are the rules :—

Debts prior to marriage are paid out of debtor's estate.

103. Debts incurred previous to the marriage are paid out of the estate of the one who contracted them.

Debts contracted jointly in wedlock.

104. Debts contracted during the married life are paid by both parties, if they contracted jointly to do so.

Debts contracted separately in wedlock.

105. If the husband only contracted, or the wife only contracted under her husband's authorization, all the separate estate of the contracting party is responsible.

Debts contracted by the wife without the husband's authorization.

106. If the wife alone contracted without her husband's authorization, only such part of her separate estate as, under Article 1128 of the Civil Code (section 101 of this Abstract), she can freely dispose of, is liable.

Marriage with community of acquisitions only.

107. If the betrothed parties declare that they wish to marry with simple community of acquisitions, the property possessed by each at the time of the celebration of the marriage, or that which may afterwards come to either by succession, or from any other source without a consideration being given, or by their own prior right, is considered to be private property, and is subject to the rules applicable when the marriage is according to the custom of the kingdom.

Previous to such marriages an inventory should be made of all property belonging to each consort.

108. Persons intending to marry simply with community of acquisitions should, before marrying, make, either in their ante-nuptial contract, or in another notarial deed, or in a public act, an inventory of the estate they bring with them; and this under penalty of such estate being held to be acquired estate, for all intents and purposes.

An inventory of certain species of acquired estate should also be made.

109. The same rule applies to the species of acquired estate treated of in section 107, if an inventory of such estate be not made within six months of its coming into the possession of the consort to whom it belongs.

Cessation of the community of acquisitions.

110. The community of acquisitions ceases under the same circumstances as the complete community of estate.

Debts of persons married with community of acquisitions.

111. The debts of persons married with community of acquisitions, if such debts are incurred prior to the marriage, and are paid out of the acquired estate, are reckoned in the share thereof belonging to the party who incurred such debt.

9. Marriage with Settlement.

(Articles 1134 to 1165 of the Civil Code.)

Marriage under the dotal system

112. If the betrothed declare in their ante-nuptial contract that they wish to marry under the dotal system, the following rules will take effect :—

Mode of endowment.

113. The female can settle her own property upon herself, or be endowed by her parents, or by any one else, provided all the parties concerned are present, personally or by proxy, at the execution of the settlement.

Species of property of which a dowry may be composed.

114. A dowry may be composed of real estate or of personality already in the possession of the female, or which she may afterwards acquire by testamentary disposition, or from an intestate.

115. If the dowry is composed of definite property already in possession, such property must be described and scheduled in the ante-nuptial contract, or in some other document or public act, prior to the said contract. If the property is not definite, the ante-nuptial contract must set forth the source from which the right thereto is derived ; in which latter case, it must be scheduled as soon as possession is obtained, under pain of such property being held to be joint estate. Formalities to be observed when the property composing the dowry is definite, or indefinite.
116. If the dowry embraces property in expectation, such property must be properly scheduled within six months of its coming into the dowry, under pain of its being held to be joint estate. Dowry embracing property in expectation.
117. If the dowry comprises personalty, the value thereof must be set forth in the ante-nuptial contract, under similar penalty. Dowry embracing personalty.
118. The betrothed may, in the ante-nuptial contract, agree to any kind of security or guarantee, or constitute a mortgage upon certain property. Security for the dowry.
119. If the dowry, whether given by the bride, the bridegroom, or any one else, embraces a sum of money, the same, within three months from the date of the marriage, must be invested in real estate, or in the public funds, or in shares, or be lent at interest by notarial deed upon mortgages. A dower composed of cash, which is not so converted, is held to be non-existing, and becomes joint estate. Mode of investment of moneys forming part of a dowry.
120. During the married life no dowry can be constituted, neither can an existing dowry be increased except by natural accrement. A dowry may neither be constituted nor meddled with during wedlock.
121. If the dowry has been constituted by the parents or grandparents of the female so endowed, the endowers are responsible for the amount thereof, if it should not stand good. Responsibility of parents for dowry promised by them.
122. If the dowry has been constituted by any other person, and it does not stand good, such person is only responsible if it is proved that he or she acted in bad faith, or if such responsibility has been expressly stipulated. Responsibility of others who settle property upon married people.
123. The stipulated dowry, together with the income thereof, becomes due upon the celebration of the marriage, if there is no agreement to the contrary. When property settled becomes due.
124. If the marriage has lasted for ten years from the periods fixed for the payment of the dowry, the wife, or her heirs, can, in the case of a dissolution of the marriage, or a separation of possessions, require the husband to repay the dowry without she or they having to prove that he ever received it, unless the said husband can prove that he made ineffectual efforts to obtain payment thereof. Responsibility of the husband for repayment of the dowry after ten years from the time it became due.
125. If the dowry was constituted by the father and mother jointly, without specification of the amount of their respective contributions, it is assumed that each is bound to contribute half. Settlements made by parents: responsibility of each.
126. If the parents do not declare that the dowry is to be considered to be part of the third of their respective possessions, of which, only by the law of Portugal, they can freely dispose, the dowry is deducted from the share of the paternal or maternal estate to which the endowed female is entitled, and, should it exceed such share, the excess only is held to be part of the aforesaid third. Limitations to the amount which parents may settle upon a child.
127. The husband may freely dispose of the personalty comprised in the dowry, if the contrary has not been stipulated ; but he is answerable for the value thereof. Right of husband to dispose of the personalty settled on his wife.
128. Real estate, forming part of a dowry, may not be alienated unless under the following circumstances :— Circumstances under which real estate forming part of a dowry may be alienated.
- (a.) For a settlement upon the marriage of, or starting in life of, the mutual progeny, both parties consenting thereto ;
- (b.) For the maintenance of the family, all other resources failing ;
- (c.) For the payment of the wife's debts, or of the debts of the person who endowed her, if such debts are prior to the marriage, and can be proved by authentic, or authenticated, documents, and if there are no other assets by which they can be paid ;

(d.) For the indispensable repairs of other property of a dotal nature ;

(e.) If its nature is such that it is inseparable from other estate which is not in dower ;

(f.) In exchange for other property of equal or greater value ; in which case such other property takes absolutely the position of the property for which it was exchanged ;

(g.) When it is expropriated for public utility.

(aa.) In the cases set forth in sections (a), (b), (c), and (d), as regards the real estate of a dowry, the husband has no responsibility in respect of the product. And when, as regards personalty, the husband, under section 127, has disposed of it, and applied the proceeds in any of the ways set forth in the said sections (a), (b), (c), and (d), he also ceases to be responsible.

(bb.) In cases (a) to (f), the alienation must be by an order from the Courts.

(cc.) Whenever estate forming part of a dowry has to be sold, it must be by public auction.

(dd.) In case (a), the amount of property alienated must not exceed the rightful share of the child whom it is desired to endow, or to start in life, plus that third part of their estate of which only the parents may freely dispose, the respective amounts being calculated as if at that moment the marriage of the parents had been dissolved by their decease.

(ee.) In cases (e) and (g), the proceeds of the property alienated must be invested in the purchase of other property of equal value, which will take the place of that so alienated.

Real estate forming part of a dowry may be reclaimed by the wife after it has been alienated.

129. Real estate forming part of a dowry, which has been alienated contrary to the foregoing rules, may be reclaimed by the wife both in wedlock and after the dissolution of the marriage, or after a judicial separation, whether she gave her consent or not.

Circumstances under which personalty so alienated may be reclaimed.

130. If the estate thus alienated is personalty, the revindication of it is only allowed under the following circumstances :—

(a.) If the husband has no property which can be made answerable for the personalty so alienated.

(b.) If both the alienations effected by the husband, and the subsequent ones by third parties, have been made in bad faith, or without consideration received.

Right to reclaim passes to wife's heirs.

131. The right to revindicate passes from the wife to her heirs.

Responsibility of a husband who illegally disposes of his wife's dowry.

132. A husband who alienates, or charges in any way, the property composing the dowry, under circumstances in which he is not allowed to do so, becomes responsible for all losses and damages to his wife and to third parties to whom he may not have declared the nature of such property.

No limitation can apply to the real estate of a dowry.

133. No Statute of Limitations can have application to real estate in dower during wedlock ; it can be applied to the personalty of a dowry, but the husband remains responsible.

Property acquired after marriage by an endowed female is her separate estate ;

134. Any property which a woman married under the dotal system may afterwards possess or acquire, and which does not come under the conditions of her settlement, remains her exclusive and private property, but the income thereof is joint property, unless there is a stipulation to the contrary.

But she has no right of mortgage thereon.

135. The wife enjoys no right of mortgage (such as she has upon the property composing her dower) as regards the property treated of in the preceding paragraph, nor any other privilege not granted to her by the common law.

Nature of the husband's property under the dotal system.

136. The estate of a husband married under the dotal system is considered to be private property.

Consequences of the dissolution of the marriage or the separation of the parties thereto.

137. If the marriage is dissolved, or there is a separation, the dowry is delivered up to the wife, or to her heirs, together with any other property to which she or they may be entitled.

When the dowry has been lost by accident.

138. Neither the husband nor his heirs are bound to such redelivery if the wife's estate has been lost by accident which cannot be imputed to him.

139. If the dowry comprises real estate, such real estate shall be reconveyed immediately it is claimed, but the redelivery of the personalty of a dower can only be claimed at the expiration of one year after the dissolution of the marriage, or after a separation has been legally effected. Such delay is not, however, applicable to personalty which actually exists in the husband's possession. Periods at which redelivery of a dowry can be claimed.
140. The wife, or her heirs, may claim legal interest upon all sums of money so retained. Interest is claimable upon a dowry withheld.
141. If the dowry consists of a life interest, ground-rents, and (or) property of a similar nature, delivery is made by handing over the title-deeds, and by ceasing to receive the income thereof. The period of delay referred to in section 139 is not applicable to property of this kind. Form of reconveyance of certain kinds of property.
142. If the dowry consists of debts receivable, the husband is answerable for all sums received, and for those lost or barred by his fault or negligence. Delivery of all others is made by handing over the respective securities which may be in his possession. Responsibility of the husband when the dowry is of the nature of debts receivable.
143. The growing crops upon, and the the current income of, the estate composing a dowry are divided between the husband and the wife, or her heirs, in proportion to the length of time which the marriage lasted during the last year. Division of the current income of dowry property at the time of redelivery.
144. The husband, or his heirs, can claim from the wife, or her heirs, payment of the necessary and useful improvements made by him, but such payment is limited to the increased value of the property at the time of redelivery. Improvements of the nature of embellishments, which do not increase the intrinsic value of the property, may be removed by the husband, or his heirs, if it can be done without detriment to the property; otherwise they cannot be removed, or any indemnity be claimed for them. (Article 500 of the Civil Code.) Husband's claim for improvements upon the property composing his wife's dower.
145. The expenses of, and the ordinary charges upon, the estate composing a dowry are held to be compensated by the income of such estate. The ordinary outlay connected with property composing a dowry is compensated by the income thereof.
146. The foregoing rules relating to the reconveyance of the estate composing a dowry are also applicable to the reconveyance of the wife's private property.

10. *Of Gifts from one of the Betrothed Parties to the other.*

(Articles 1166 to 1174 of the Civil Code.)

147. The betrothed parties may stipulate in their ante-nuptial contract any gifts or legacies they may think fit from one to the other, or reciprocally, subject to the following restrictions:— Gifts or legacies may be stipulated in ante-nuptial contracts.
148. If either of the contracting parties has at the time of the marriage parents, grandparents, or succession, in the position of forced heirs, and any of them are living at the time that the marriage is dissolved, the gifts or legacies in question may not exceed one-third part of the property such party may at that time be possessed of. The existence of forced heirs limits the power of the parties to an ante-nuptial settlement to make gifts or bequests to each other.
149. Such gifts or legacies stipulated in an ante-nuptial contract become void if the marriage is not realized, but this without prejudice to the dispositions of Article 1091 of the Civil Code (section 189 of this Abstract). Effect upon gifts and legacies of the marriage not being concluded.
150. Such ante-nuptial gifts cannot be revoked upon the plea that the receiver thereof did not expressly declare his or her acceptance of the same; that children were born afterwards, or that the receiver has proved ungrateful; pleas which, under certain circumstances, are admissible in Portuguese law with regard to gifts of an ordinary nature. Acceptance or non-acceptance of gifts made by ante-nuptial contract.
151. If the gift consists of certain property defined and in existence it is irrevocable, even though the receiver die before the giver, unless there is a stipulation to the contrary. Gifts of definite property are irrevocable.

Gifts causa mortis.

152. If the gift consists of the whole or part of the estate to be left by the giver at his or her death, the giver may not reduce the value of the gift by disposing, without valuable consideration, of the property it embraces. In this case the right to the said gift, whether it be reciprocal or otherwise, does not pass to the receiver's heirs should he or she die before the giver.

Conditions under which minors may make gifts by ante-nuptial contract.

153. Minors may make gifts by ante-nuptial contract, if authorized to do so by those who are competent to give consent to the marriage (sections 14, 15, and 16).

Gifts by ante-nuptial contract are further subject to the general laws upon gifts of other kinds.

154. Gifts between persons about to marry are subject to the general laws as to gifts in everything not antagonistic to the foregoing restrictions.

11. *Of Gifts made by Third Parties to the Betrothed.*

(Articles 1175 to 1177 of the Civil Code.)

Any persons may dispose of their property in favour of parties about to marry, provided it be done by a sufficient document.

155. Any person may, in favour of one or both of the parties about to marry, dispose of part or all of his or her estate during his or her lifetime, or after his or her decease, provided that it is so set forth in the ante-nuptial contract, or in a separate notarial deed, but this without prejudice to the general laws relating to gifts without consideration.

When acceptance of gifts by the betrothed is necessary and when not.

156. If such gifts are made by ante-nuptial contract they are valid, even if not expressly accepted by the receivers; but if made by separate deed, they do not become effective until so accepted.

Consequences of the death of the receivers of such gifts before the death of the givers.

157. Although such gifts be made to one or both of the parties about to be married, the right thereto passes to the children of that marriage, even when the person or persons in favour of whom the gift was made die before the giver. The gift only becomes void when the giver survives not only the parties whom he intended to favour, but all of their descendants.

12. *Of Gifts between Husband and Wife.*

(Articles 1178 to 1183 of the Civil Code.)

Husband and wife may make gifts to each other by deed or will.

158. Husband and wife may give, one to the other, either by deed during their lifetime or by will, any part of their possessions in existence.

Laws to which such gifts are subject.

159. Gifts made during their lifetime are subject to the general laws relating to gifts; those which are to take effect after death are subject to the laws which regulate testamentary dispositions.

Gifts may be made reciprocally in one only document.

160. A married couple may make gifts to each other in one and the same document.

Revoking of such gifts.

161. Such gifts may be freely revoked, and at any time, by the givers. The revocation must be explicit, and the wife does not require her husband's authorization for making it.

Gifts made between married couples may be reduced in value.

162. Gifts of this kind are not revocable on account of the subsequent birth of children, but they may be reduced on the plea that the giver could not legally dispose of so much of his or her estate.

The property so given becomes private estate of the receiver.

163. The property thus given becomes private property of the receiver, let the ante-nuptial contract be what it may.

13. *Of the several Duties and Obligations of Husband and Wife.*

(Articles 1184 to 1202 of the Civil Code.)

Husband and wife are mutually to render fidelity, assistance, support, and succour.

164. Husband and wife are bound to be faithful to each other in wedlock, to live together, and to mutually succour and assist each other.

165. The husband is more particularly bound to protect and defend his wife's person and property; the wife's duty is to be obedient to her husband. The husband's duty is protection; the wife's obedience.
166. It is the duty of a married woman to accompany her husband everywhere, except to a foreign country. A wife must go with her husband everywhere, except abroad.
167. A married woman may not publish her literary works without her husband's consent, which, should he unjustly withhold, she may supply the place of by a Judge's authorization. Authoresses may not publish their works without their husband's consent.
168. A married woman enjoys all those honourable distinctions of her husband which are not purely inherent to the office he holds, or has held; and she retains the same after his decease, until she contracts another marriage. Wife shares her husband's honorary distinctions before and after his decease.
169. A married woman, charged with the administration of the mutual estate owing to the absence or incapacity of her husband, may not alienate real property without the consent of a family council, confirmed by the proper public officer; and, if the value of the property to be so alienated exceeds 100 milreis (22*l.*), it may only be effected by judicial public auction, for, if otherwise sold, the sale may be annulled, and the purchaser will only be able to recover the price paid from the wife's private property, if she possesses any, or from the joint estate, if it can be shown that the money so paid went to increase the joint possessions. Even in this latter case, nothing can be recovered beyond the amount of such increase. Inability of a wife administering the joint estate to dispose of real property, and consequences of her doing so illegally.
170. A husband may not alienate real property, or appear before the Courts in suits relating to the right to or the possession of real property, unless his wife is legally a party thereto; but if her consent is withheld without just cause, or she is incapacitated from giving it, a Judge's authorization will supply its place. Inability of the husband to deal with real property without his wife's consent.
171. Should a husband alienate his own private real property without his wife's consent, or a judicial authorization, the transaction can only be annulled at the petition of the wife, or her heirs, if the said husband has incurred responsibility as regards the wife, or her heirs, and has no other available assets. Consequences of a husband alienating his own private real estate without his wife's consent.
172. If the property so alienated is joint estate, the wife, or her heirs, or the husband's forced heirs, may, in all cases, apply for the transaction to be cancelled. Consequences of the husband alienating real joint estate without his wife's consent.
173. A married woman may not be before the Courts without her husband's authorization, except as a criminal defendant, or when suing or being sued by her husband, or in matters the sole object of which is the preservation or security of her sole and exclusive rights, or in cases in which, with regard to her legitimate or illegitimate children by another man, she has to exercise the rights inherent to her maternity. Cases in which only a married woman may be before the Courts without her husband's authorization.
174. A married woman cannot, without her husband's authorization, acquire or alienate property, nor contract obligations, except under such circumstances as the law specially allows her to do so. If the husband unduly refuses to give his wife such authorization when she asks for it, she may apply to the Judge of the proper Court for a judicial authorization, in the place of her husband's; and this the said Judge, after hearing the husband upon the matter, will grant, or refuse, as he may think right. A wife cannot acquire or alienate property, except in special cases, without her husband's authorization, the place of which may be supplied by a judicial authorization.
175. The husband's authorization must be special for each separate act which the wife wishes to perform, except as regards trading, in pursuit of which the wife may, under a general authorization, perform all acts connected with her business, even to the extent of mortgaging real estate, and carrying on litigation, provided that it is all in connection with the affairs of her business. The husband's authorization must be special for each case required, except in trading.
176. The husband's authorization may be given verbally or in writing, or may be deduced from facts of which it is the necessary consequence; but if such authorization is for the purpose of trading, mortgaging, or alienating of real estate, or for purposes of litigation, it can only be given by an authentic or authenticated written document. Ways in which the husband's authorization may be given.
177. The husband can revoke his authorization before the act for which it was granted has been commenced; but, if the performance of that act has been already

Circumstances under which the husband can revoke his consent,

begun, he will have to indemnify third parties for any loss they may suffer by such revocation.

Responsibility of the husband for the obligations contracted by the wife under his authorization.

178. The husband is answerable for the obligations contracted, under his authorization, by his wife, when their marriage is according to the custom of the kingdom, or with simple community of acquisitions; but, when the marriage is of any other species, he is not answerable for the obligations she has contracted with regard to her own private property or interests.

Responsibility of the husband for the acts of his wife performed under a judicial authorization.

179. When the place of the husband's authorization is supplied by that of a Judge, the husband is only responsible for such acts of his wife as arose from mutual obligations, or resulted in mutual benefit.

Invalidity resulting from a want of the husband's authorization: who can plead it.

180. The invalidity which is the result of the husband's non-authorization can only be pleaded by the husband himself, or by his heirs or representatives.

Circumstances under which such invalidity ceases to have effect.

181. Such invalidity can be removed:—

(a.) By the husband's confirmation of the invalid act, always provided that litigation on the matter has not already been commenced by a third party;

(b.) If the question has not been raised for one year after the dissolution of the marriage;

(c.) If the act has become barred by a Statute of Limitations.

Consequences of a marriage contracted abroad not having been made public in Portugal.

182. The mode of proceeding which is available to husband and wife under the foregoing paragraphs is not so when the marriage has been contracted in a foreign country, and not made public in Portugal according to law.

14. *Of Interruption of the Conjugal Partnership.*

(Article 1203 of the Civil Code.)

Separations may be of persons only, or of persons and possessions.

183. The conjugal partnership may be interrupted, as regards the persons and property of the married couple, or as regards their property only.

15. *Of the annulling of Marriages and the effects thereof.*

(Articles 1086 to 1095 of the Civil Code.)

Divorce by the Civil Courts is prohibited.

184. A Roman Catholic marriage can only be annulled by the Ecclesiastical Courts, and in such cases as are provided for by the laws of the Church received in Portugal.

In cases of ecclesiastical marriages having to be annulled, the Ecclesiastical Courts decide the point, but the Secular Courts carry out the investigations.

185. But the ecclesiastical jurisdiction is limited to the appreciation and decision of the alleged nullity; all the investigations, or other judicial acts, are the province of the civil authorities.

The Secular Courts execute the Judgment of the Ecclesiastical Courts.

186. The Ecclesiastical Courts having given Judgment annulling the marriage, the sentence is officially communicated to the civil authorities for execution; the only subsequent formality at the charge of the Ecclesiastical Court being the sending to the parish priest who celebrated the marriage which the said Court has annulled a certified copy of its sentence, to be noted in the margin of the entry of such marriage.

Civil marriages are annulled by the Civil Courts.

187. Marriages contracted in the civil form, between Portuguese subjects, can only be annulled by sentence of the Civil Courts.

Religion is no ground for annulling a civil marriage.

188. Civil marriages cannot be annulled on account of the religious persuasions of the contracting parties thereto.

After effects of the annulling of a civil marriage.

189. Although any marriage be annulled, it will, if both consorts contracted it in good faith, produce civil effects from the day of its celebration, both as regards the married couple and their children.

190. If only one of the contracting parties was in good faith, the said civil effects will only bear relation to that party, and to the children. Effects of annulment when only one party was in good faith.

191. If the separate couple cannot agree amicably as regards the children, a family council is called, as prescribed in Article 1206 of the Civil Code (sections 196 to 199 of this Abstract), and such council takes the measures prescribed in Article 1207, section 3, of the Civil Code (section 201 (c) of this Abstract). Effects of annulment as regards the children.

192. If both of the separated parties have been in good faith, the father cannot deprive the mother of her daughters against her wish. In separations in which there is mutual good faith the mother takes the daughters.

193. The annulment of a marriage produces the same effects as death as regards the property of the parties to that marriage. Effects of annulment as regards property.

16. Of a Separation of Persons and Property.

(Articles 1204 to 1218 of the Civil Code.)

194. The following are legitimate causes for separation of persons and of possessions:— Legitimate causes for separation of persons and possessions.

- (a.) Adultery of the wife;
- (b.) Public and notorious adultery of the husband; or adultery coupled with complete desertion of the wife; or adultery with a paramour living and maintained by the husband under the conjugal roof;
- (c.) A life sentence against either husband or wife;
- (d.) Unmitigated cruelty and grievous insult.

195. The separation can only be applied for by the innocent consort. Only the innocent consort can apply for a separation.

196. A married person who wishes to obtain a separation must apply to the Judge of the district in which he or she is domiciled, or resides, in order that such Judge may call a family council composed of the six nearest relations—three on the husband's side and three on the wife's—together with the proper Government officer, whose vote is merely consultative. Mode of applying for a separation.

197. In the default of relations, such council is composed of friends of the family, and, failing these, of good men and true of that neighbourhood. Composition of the family council, failing relations.

198. In the case of an equality of votes, the Judge had a casting vote under the Civil Code, but was deprived of it by the Code of Procedure. Judge's power to vote at the family council.

199. After the Judge has appointed the members who are to form the family council, either party may challenge such appointment upon the following grounds:— Powers of the parties to challenge the appointments of members of the family council.

- (a.) That the member is not in possession of his or her civil rights;
- (b.) That he or she is an unemancipated minor;
- (c.) That the member in the case of a female is not a progenitrix. (This also was altered by the Code of Procedure, which prohibited progenitors or descendants from being members of the family council in matters of conjugal dissensions.)
- (d.) That he or she is owing a large sum to one or both of the consorts;
- (e.) That he or she, or his or her parents, children, husband or wife, as the case may be, have important litigation pending with either consort, or both of them, or are known to be inimical to them, or either of them;
- (f.) That he or she is a person of known bad character, or has no visible means of existence;
- (g.) Bribery or corruption;
- (h.) That he or she has a private interest in the question of the separation.

200. Whether the complaint be laid by the husband or by the wife, the latter may at once apply to be placed under proper guardianship, in the house of some decent family. The wife may apply to have a guardian named while the case is pending.

The family council first attempts a reconciliation, and, failing that, decides as to a separation.

201. If the family council, after hearing the Government officer and the parties themselves, is unable to effect a reconciliation between the latter, it proceeds to weigh any evidence bearing upon the facts which may be laid before it, and then decides:—

- (a.) If a separation of persons should or should not be authorized;
- (b.) The amount of alimony to be paid by one of the parties to the other, if one requires it and the other has means from which to supply the same;
- (c.) What is to be done with the children if there are any, and if the parents cannot come to an amicable decision with regard to them.

The decision of the family council is final.

202. The decisions of the family council are homologated by the Judge, and admit of no appeal except as regards the amount of the alimony.

Cases of adultery may be treated civilly or criminally.

Criminal punishment of adultery.

203. In the cases of adultery marked (a) and (b) in section 194, the injured consort may either apply to the family council, or prosecute the offending consort criminally. The punishment of adultery is, in the case of the wife, from two to eight years cellular confinement, with hard labour, or transportation for not less than three years, nor more than twelve years. All co-respondents must be tried at the same time, and receive a like sentence, in addition to which they may be ordered to pay damages and costs. The husband can, at any time during the performance of the sentence, pardon both delinquents, but not one only. Adultery of the husband committed under the conjugal roof with a paramour there maintained is punishable, under precisely similar conditions, by a fine of not less than 2*l.*, or more than 480*l.*, according to his means (Articles 401, 402, and 403 of the Penal Code).

Repetition of the offence.

204. Should the offending consort repeat the offence, the injured consort may then proceed criminally, as well as by the intervention of the family council.

A verdict of not guilty against a wife accused of adultery implies separation of persons and property.

205. If proceedings are taken against the wife and she is brought in not guilty, she is at once considered to be separated in person and in possessions; and may, without further document than the sentence in her favour, apply for a separation, and delivery of all of her possessions.

206. If one or other consort proceeds criminally the family council must be called, in order to decide as to the children.

Separation of persons implies separation of possessions, except under the adultery of the wife.

207. A separation of possessions is the necessary consequence of a separation of persons, except when the wife has committed adultery, for, in that case, whatever the conditions under which the marriage was contracted, the wife is not entitled to a separation of possessions, but only to alimony, unless she can prove that, at the time she committed the adultery, she could have claimed a separation from her husband for one of the reasons given in section 194 (b).

When the possessions are separated, a judicial inventory and a division are made.

208. Whenever there is a separation of possessions a judicial inventory of such possessions has to be made, and a division thereof, exactly as if the marriage had been dissolved.

The duty to contribute to the support of the children continues after a separation.

209. When the children are placed under the care, and in the custody, of one of the parents, the other is not thereby freed from his or her obligations as regards them, nor deprived of his or her parental rights in all things not antagonistic to the charge laid upon the other parent.

The consort who gives cause for a separation loses all benefits received from the other consort.

210. The consort who gave cause for the separation loses everything which he or she may have received from the other consort, or which any one, out of consideration for the said other consort, may have given, or promised, to him or her.

Rights of prior creditors under a separation.

211. The separation of possessions in no way prejudices rights previously acquired by the creditors of the married persons.

Right of the parties to dispose of personally after separation.

212. The married persons may, subject to their children's rights, freely dispose of the personal property belonging to each after the separation is decreed.

Disposal of real estate after separation is subject to mutual consent.

213. The disposal, during their joint lifetime, of the real property belonging to each of the consorts after the separation, is subject to their mutual consent; but, should the

consent of one or other be unreasonably withheld, a Judge's authorization can be obtained in the place thereof.

214. The separation of possessions does not authorize the married persons to at once exercise rights which are dependent upon the dissolution of the marriage.

215. Whatever the way in which the separation be effected, it is always open to the married persons to return to cohabitation under the original conditions of their marriage, provided they do so by means of an act of reconciliation, executed in the presence of the proper Justice of the Peace. Such reconciliation is without prejudice to the rights of third parties acquired during the separation.

Separated consorts may live together again as before if they state in an authentic form their intention to do so.

17. *Of simple Judicial Separation of Possessions.*

(Articles 1219 to 1230 of the Civil Code.)

216. A woman married, with or without community of possessions, who is in manifest danger of losing what is her own, owing to the bad administration of her husband, may apply for a separation of possessions, subject to the following conditions:—

The wife's remedy for the husband's mismanagement.

217. If she married according to the custom of the kingdom, the separation only embraces the property brought by her at the time of the marriage, or which may have since fallen to her, and one-half of that which, jointly with her husband, has been acquired in wedlock.

Separation when the marriage was according to the custom of the kingdom.

218. If she married under the dotal system, or by any other system of separate estate, a judicial separation of possessions is only obtainable if the dowry, or the separate estate, is liable to deterioration, and the repayment of the dowry has been insufficiently guaranteed.

Separation under the dotal or separate property system.

219. If the marriage was contracted according to the custom of the kingdom, the married persons will, if the separation be eventually granted, be held to have renounced the community of estate from the moment that the petition for the separation was presented.

Period from which the separation produces its effects.

220. As soon as the separation has been decreed by the proper Judge, the administration of her property is handed over to the wife.

Under a separation the wife obtains the management of her own property.

221. If there was a dowry, the property forming it retains that nature after the separation. All other property is considered to be private.

Estate in dowry retains that nature after the separation.

222. Notice of the petition for a separation, and of the subsequent decree, must be made public, within eight days, in some one of the local papers; or, if no such paper exists, by means of public announcements at the parties' place of domicile. The eight days are reckoned, as regards the petition, from the date of filing the same, and, as regards the decree, from the date upon which it becomes absolute.

Petitions for separations must be made public.

223. Any debts contracted by the husband, after the first publication, do not affect the estate if the separation is decreed.

The husband cannot charge the property after the publication.

224. The separation of possessions does not relieve the wife from the duty to contribute to the family expenditure in proportion to her separate income, as compared with her husband's.

A wife must contribute to the mutual expenditure after a separation of possessions.

225. Such separations of possessions cannot be effected by amicable agreement.

Separations of possessions may not be effected by amicable agreement.

226. Any special creditors of either consort may oppose a petition for a separation.

Creditors may oppose a separation of possessions.

227. The effects of such separations may be annulled by mutual agreement of the married persons, provided that such agreement be executed by notarial deed, or public act, and that it be made public in the same way as the petition for the separation,

Separations may be annulled by mutual agreement.

and the decree thereof, must be. Such mutual agreements only take effect, as regards third parties, from the date upon which they are so made public.

Circumstances under which a wife may oppose executions upon her dowry or private estate.

228. Although no judicial separation of possessions may have been effected, the wife always has the right to oppose, independently of her husband's authorization, any execution upon the income of her dowry or of her private estate administered by her husband, if by such execution she is deprived of her necessary means of maintenance.

18. Of Maintenance in Widowhood.

(Articles 1231 and 1232 of the Civil Code.)

A widow or widower has a right to be maintained out of the deceased husband's or wife's estate, if necessary;

229. Whatever may have been the nature of the contract of a marriage which has been dissolved by the death of one of the parties thereto, if the survivor is left without the means of subsistence, he or she has a claim for a maintenance as against the income of the late consort's estate, be its nature what it may, property in which the deceased had only a life interest excepted.

but only until he or she contracts another marriage.

230. This obligation of alimony lasts as long as the necessity for it exists, or until the receiver thereof contracts another marriage. The amount thereof is, in the absence of an amicable arrangement, fixed by the proper Judge, according to the income of the estate and the requirements and position of the widowed consort. The obligation exists whether there are or are not children by the marriage still living, and even when the deceased left children by a previous marriage.

19. Of Second Marriages.

(Articles 1233 to 1239 of the Civil Code.)

Of widows who marry within 300 days of the decease of their husband.

231. Any widow who wishes to contract a second marriage before the expiration of 300 days from the time of her late husband's decease must have it verified if she is or is not with child.

Consequences to her of not doing so;

232. A widow who marries without having done so loses all the nuptial advantages which by law or by contract she may have received, or may have to receive, as regards her former husband, such advantages passing to his legitimate heirs.

and to the second husband.

233. Moreover, the second husband, under such circumstances, cannot contest his paternity of any child born of her after the expiration of 180 days from the date of his marriage, but without prejudice to the right of such child to claim the paternity of the former husband if he or she may so think fit, and can prove such paternity.

Regulation as regards the community of possessions in second marriages;

234. A male or female who contracts a second marriage, having children, or other descendants, qualified to inherit by a previous marriage, cannot take into community with the second husband, or in any way give to him more than one-third part of his or her estate at the time of such marriage, or of any property which may afterwards come to him or her by way of gift or inheritance from his or her progenitors or other relations.

and as regards property inherited from children by either marriage.

235. As regards property derived by such widow or widower from a deceased child by either marriage, if the deceased child had inherited such property from his or her deceased father or mother, the said widow or widower takes only a life interest in it, the reversion being to the brothers and sisters by the same parents.

Rules as regards second marriages after a woman is 50 years of age.

236. A woman who contracts a second marriage after she is 50 years of age may not, from the day of such second marriage, alienate in any way the proprietary right to two-thirds of the property enumerated in section 234 so long as she has children, or other descendants, to inherit the same.

Effects of a second marriage when one party has children and the other has none.

237. Any male or female who, having children by a previous marriage, marries a person having no children, is, in the absence of any ante-nuptial contract, held to have married according to the custom of the kingdom, but subject to the dispositions set forth in the six preceding paragraphs.

238. In all other respects second marriages are on the same footing as single ones.

PART III.—*Form of Procedure in Suits for Judicial Separation of Persons and Possessions.*

1. The proceedings are commenced by one of the married persons filing a petition at the Court of the place of domicile of one or other of the parties. Proceedings commence by a petition.

2. Such petition must clearly set forth some one or more of the causes which the law recognizes as sufficient, and it must give the names of three of the petitioner's nearest relations competent to serve on the family council. When there is more than one relation of the same degree of kindred, it goes by seniority. The progenitors or descendants of the parties are not allowed to sit in the family council. Persons residing out of the local jurisdiction may also not be members of such council unless, being relations, they accept the membership. Under no circumstances are persons residing out of Portugal allowed to serve. Contents of the petition.

3. The petition having been received by the Judge, an order is issued for the defendant consort to appear and reply to the charges. On the first Court day after service of such order the Judge is informed that service has been effected, and the third subsequent Court day (of which there are two in each week during sittings) is fixed for the defendant to present his or her defence. Period fixed for presentation of the defence.

4. The defence must give the names of the three nearest relations, friends, or other persons, as the case may be, on the defendant's side, competent to be members of the family council. If the husband is suing his wife on account of her adultery, and the wife wishes to allege that the plaintiff has not come with clean hands before the Court, she must do so in the defence. Necessary contents of the defence.

5. If the wife is the petitioner, whatever be the cause alleged, and the husband wishes to prove her adultery, he must do so under the form of a counter-claim in a separate suit, which is made an appendix to the original action, and is decided by the same family council at the same time as the separation suit. Form of procedure when the wife sues for the separation and the husband's defence is her adultery.

6. Should the defendant require alimony, a declaration to that effect must be made in the defence. Alimony for the defendant must be claimed in the defence.

7. In order that the separation shall at once produce effects as regards third parties notices of the presentation of the Petition must be published in the local papers, and be affixed at the conjugal domicile and the Court-house. Notice of the presentation of a petition must be made public.

8. If the defendant desires to challenge any of the members of the family council nominated by the plaintiff, it must be done in the defence. If the plaintiff wishes to challenge the defendant's nominees, or defend his or her own, or contest the defence in any way, it must be done by a reply to be filed on the second Court day after that on which the defence was filed; and, on a subsequent second Court day the defendant may, if advisable, present a rejoinder, defending, among other matters, his or her nominees to the family council. Of challenges of the members of the family council;
of the reply;
and the rejoinder...

9. If any challenges are admitted, substitutes must be named by the respective parties, and these may again be challenged and defended on consecutive Court days. If a second challenge is held to be a good one, the nomination of a substitute lies with the Judge. Of challenges of the family council, when accepted.

10. Should the defendant fail to enter an appearance, or, having done so, fail to nominate members of the family council on his or her behalf, the Court will appoint them after due investigation. The Court's nominees may also be challenged once, but not more. Non-appearance of the defendant or failure to name members of the family council.

11. The office of a member of the family council is obligatory; and the parties may not prevent his taking such office by naming him as a witness; neither can a member of the council give evidence in the proceedings. Rules applicable to members of the family council.

Presentation of a
schedule of witnesses.

12. When the family council has been definitively organized, both parties may file their schedules of witnesses on the following Court day.

Hearing of the
petition.

13. On the day appointed for the hearing of the case, all the witnesses and members of the family council being present, the witnesses are first placed in a separate room, and, the doors of the Court being closed, the Judge endeavours to bring about a reconciliation if the parties are present. If successful, an act of reconciliation is drawn up and signed, and the parties are jointly condemned in the costs. If the parties are not present, or a reconciliation is not effected, the pleadings and all documents in support of them are read aloud by the Registrar, and the witnesses are called one by one into Court and examined, no record of the evidence being taken, except of such part of it as may bear upon the subject of alimony.

No record of the
evidence is kept.

Mode of deliberation
of the family council.

14. The witnesses having been examined, counsel for the parties is heard, and the family council, the Judge, the counsel for the Crown, and for the parties, and the Registrar of the Court retire to a separate apartment to consider the verdict.

Of the verdict of the
family council;

15. The verdict of the family council is taken by a majority of votes; counsel for the Crown has a consultative vote, but the Judge has no vote at all.

and the subsequent
proceedings.

16. Should the family council decide in favour of the separation, it then proceeds to decide as to the amount of alimony, the custody of the children, or any other points, after hearing the wishes of the married couple, and only if the latter cannot come to an amicable arrangement. An act of the entire proceedings is drawn up and signed by all parties, the decisions arrived at being homologated by the Judge.

Consequences of the
family council not
being able to arrive at
a verdict.

17. If the family council is equally divided upon the subject of the separation, an act of the proceedings is drawn up, and the suit proceeds as an ordinary lawsuit, to be decided by the Judge at a private hearing. In such ordinary suits, records of the evidence are made and kept. Should the separation be decreed in this way, it is subject to appeal to the Superior Courts. The decisions of the family council only admit of appeal in the matter of alimony.

Decisions of the family
council are final,
except as regards
alimony.

After the petition is
decided, all records of
evidence not bearing
upon alimony are
destroyed.

18. When once the case is finally decided the documents are returned to the person who presented them, and all records of evidence (if any) not bearing solely on the question of alimony are destroyed.

Form of procedure
when the petition is
based upon the other
consort having been
sentenced as a
criminal.

19. If the separation is applied for upon the plea of the other consort having been condemned in a criminal proceeding, the pleadings are limited to the statement and defence.

Mode of treating
subsequent difficulties.

20. Should subsequent circumstances render new combinations necessary, the family council is again called together; but the pleadings are limited to a statement and a defence.

The division of the
joint estate.

21. The division of the joint estate may be effected amicably if an agreement can be arrived at; otherwise a judicial liquidation suit is instituted.

Mode of treating
a subsequent reconci-
liation.

22. If, subsequently, a reconciliation is brought about, a legal document to that effect is filed, and confirmed by a Judgment of the Court annulling the separation.

ROUMANIA.

No. 29.

Sir J. Walsham to the Earl of Rosebery.—(Received 1 December 18.)

My Lord,

Bucharest, December 10, 1893.

WITH reference to your Lordship's despatch of the 16th September last, I have the honour to transmit herewith a summary, which has been prepared by Mr. Hamilton Browne, of the Roumanian Marriage Law.

This Law, like that relating to divorce, alluded to in my immediately following despatch of this date, is contained in the "Civil Code."

I have, &c.

(Signed) JOHN WALSHAM.

Inclosure in No. 29.

Summary of the Marriage Law in Roumania.

THE man must be 18, the woman 15 years complete, but the consent of the parents is required if the man has not attained 25 and the woman 21 years. If the father and mother are dead, the consent of the grandfather and grandmother is requisite, to whom a formal request must be addressed through the intermediary of the Mayor of the commune.

1. Requisite conditions.

If neither father nor mother, grandfather nor grandmother, be alive, the consent of the family council is required, but the man and woman must have attained the age of 25 and 21 years respectively.

Marriage is prohibited between relations in the direct line and in the collateral line up to the fourth degree, also between godfather and goddaughter, godmother and godson. An adopted father may not marry his adopted daughter nor her daughter nor his adopted son's wife. An adopted son may not marry the widow of his adopted father, nor his daughter nor mother, nor his mother's or father's sister. He may not marry his fathers', mothers', or godparents' adopted sister.

2. Prohibited degree

Marriage is also forbidden between guardian and ward, and between father, brother, or son of guardian and ward, unless it has been proved that the guardian has ceased to be so, or if it has not been proved to the satisfaction of the Court that the marriage is in the interest of the ward.

The Head of the State may, however, grant a dispensation in cases of marriages between brothers-in-law and sisters-in-law, and between cousins.

The marriage shall be publicly celebrated before the civil officer of the place where one of the two parties reside.

3. Place of celebration, and formalities required.

Marriage contracted abroad between Roumanians or between a Roumanian and a foreigner will be considered valid in Roumania if it has been celebrated according to the forms usual in the foreign country, provided the Roumanian has not contravened any of the regulations above mentioned.

The relatives of the parties contracting marriage may make formal opposition to its taking place—

4. Laws of prohibition.

1. In case the consent above alluded to has not been obtained.

2. If the insanity of the intended husband be proved before a Tribunal. If, however, the opposition be rejected by the Tribunal, the parties making it may be sued for damages.

If the marriage has been contracted without the consent of parents or relatives, it can only be disputed by those whose consent was wanting, and that during one year from the date of marriage.

A marriage of persons under age may be disputed up to six months from date of marriage, provided that the woman be not with child.

All marriages not contracted before a competent civil officer, and without the due interval having elapsed between the publication and the celebration of the marriage, may also be disputed.

To prove a marriage, the husband is required to produce a copy of the registration of the same before the civil officer.

The reciprocal obligations of parents to children are, on the one hand, to feed, house, and educate, on the other, to sustain in case of need, always in due proportion to the extent of their fortunes and within practical limits to be decided by the Court. The duties of wife to husband are fidelity and obedience; of husband to wife, protection and maintenance.

No woman can go to law, except when prosecuted in a criminal suit, without the consent of her husband.

In cases, however, where the consent is refused, the Judge of the Tribunal may give the permission.

Marriage is dissolved by the death of husband or wife, or by divorce pronounced according to law.

A wife cannot contract a second marriage until ten complete months have expired after the dissolution of the first.

The hours at which the ceremony can be performed are those during which the office of the civil officer remains open, viz., from 10 A.M. till noon, and from 2 P.M. to 4 P.M.

The fees consist merely of the 1 fr. stamp affixed to the following papers: those giving the consent of father and mother in the case both of the man and the woman, or, failing that, of the nearest relative in ascending scale, or giving proofs of the death of father and mother, if the parties be of legal age, and copy of birth certificate, with request for the performance of the ceremony. The fees thus levied rarely exceed a total of 5 fr.

The hours for the religious ceremony vary according to the status and inclination of the persons intending to be married; and the fees to the officiating priests, choir, &c., are a free gift, and in no way compulsory.

No. 30.

Sir J. Walsham to the Earl of Rosebery.—(Received December 18.)

My Lord,

Bucharest, December 10, 1893.

WITH reference to your Lordship's Circular despatch of the 16th September last, I have the honour to transmit herewith a summary, for which I am indebted to Mr. Hamilton Browne, of the Law relating to divorce in this country.

The Law itself forms part of the "Civil Code," and a copy is inclosed in my immediately preceding despatch of this date, containing an outline of the Roumanian Marriage Law.

I have, &c.

(Signed) JOHN WALSHAM.

Inclosure in No. 30.

Summary of Law on Divorce in Roumania.

1. Grounds for divorce.

DIVORCE may be pronounced for the following reasons: on account of adultery, or of excess, or ill-treatment, on the part of either husband or wife; also when one of them has been condemned to penal servitude.

Divorce may also be obtained by mutual consent of the two parties if it be proved, to the satisfaction of the Tribunals, that their existence in common is impossible, or if the husband has threatened his wife's life, or *vice versa*.

Every request for divorce must be submitted to the Civil Tribunal of the district, together with proofs in support thereof.

On the day when the parties are summoned to appear, the Judge will first use his influence to bring about a reconciliation before referring the matter to the Tribunal, before which both plaintiff and defendant must appear in person. If, after examination of witnesses, the Court decides that there is due cause for divorce, the trial will be conducted with closed doors, but the sentence will be pronounced publicly.

The Court is permitted to postpone the final decision for a year in cases where violence has been offered, the husband being forced to pay for the maintenance of his wife during that time.

In cases where either husband or wife has been condemned to penal servitude, a copy of the sentence will have to be presented to the Tribunal.

Any appeal against the decision of the Court must be made within two months of its being pronounced.

During the trial the children will be placed temporarily under the care of the father, unless otherwise ordained by the Tribunal (at the request of the mother, family, or Ministry), for their good.

2. Provisional measures during the trial.

The wife, during the time, may quit the conjugal abode, and claim a fixed allowance for her maintenance from her husband.

The action is cancelled by the reconciliation of the two parties, either before or after the action has been brought.

Mutual consent is not valid if the husband be under 25 and the wife under 21 years of age, and that, moreover, after the expiration of two years from the date of marriage. But if twenty years have elapsed from the date of marriage, and the wife has attained the age of 45, mutual consent will no longer be admitted as a valid pretext.

3. Divorce by mutual consent.

This mutual consent must be sanctioned both by father and mother, or by the relatives in the direct line, as mentioned in the Marriage Law, and an inventory must be made both of their real and personal property.

It must be also clearly stipulated in whose care the children are to be placed during the time the action is pending; and when the divorce has been pronounced, the amount of the allowance for maintenance to be granted to the wife must be fixed by agreement.

To obtain the divorce, the parties must present themselves beforehand, and make the declaration of their intention to divorce before the President of the local Civil Tribunal of the district where they live, and produce at the same time their acts of birth and marriage, of birth or decease of their children, and of the consent of father and mother, or of their relations in the direct line.

4. Procedure in cases of request for divorce by mutual consent.

The request for divorce must be repeated to the Tribunal at the fourth, seventh, and tenth months after the first demand.

Within fifteen days after the expiration of one year from the date of the first declaration the husband and wife must again repeat their request for divorce to the President of the Tribunal, accompanied, each of them, by two Notables of the commune, to serve as witnesses.

All the circumstances of the request for divorce are referred to the Ministry of Justice, and, if it be found that all the conditions above mentioned have been fulfilled, the Ministry shall answer, "The law allows the divorce."

All appeals against the decision of the Court must be made within twenty days after it communication.

The parties divorced may not remarry. The divorced wife may only marry again ten months after her divorce.

5. Results of divorce.

In cases of divorce for adultery, the guilty parties may not marry each other.

The party against whom the divorce has been pronounced loses all advantages accruing to him or her by marriage. This does not, however, apply in cases of mutual consent.

The allowance for maintenance may be increased by the Court if considered insufficient, but it must not exceed one-third of the income.

As a general rule the children are given over to the care of the parent who obtains the divorce, but the Court may, at the request of the family or of the Ministry, confide them to the party against whom the divorce has been pronounced, or even to a third person, but then both father and mother will be obliged to guarantee both their maintenance and education.

The children will not, by their parents' divorce, lose any of the advantages which were assured to them according to law by their parents' union.

The cost of obtaining a divorce depends, of course, on the fees paid to the lawyers who plead the case, and therefore varies accordingly, the only inevitable tax being the 1 fr. stamp affixed to each demand or act in support of the claim, as, for instance, in case of divorce by mutual consent, and the stamps affixed to the declaration of intention to divorce, acts of birth, marriage, &c.

6. The cost of obtaining a divorce.

RUSSIA.

No. 31.

Mr. Howard to the Earl of Rosebery.—(Received November 13.)

My Lord,

St. Petersburg, November 7, 1893.

WITH reference to your Lordship's Circular despatch of the 16th September last, I have the honour to transmit herewith a Return, prepared by Mr. Michell, giving an outline of the Marriage Laws in force in Russia.

I have, &c.
(Signed) HENRY HOWARD.

Inclosure in No. 31.

Report on the Marriage Laws of Russia.

THE general law of Russia with regard to marriages is that marriages of Christians of all denominations in Russia must be solemnized by the clergy and according to the rites and ordinances of that Church to which the persons contracting marriage belong; but marriages are also held valid if they be solemnized by a priest of the Russo-Greek faith in places where there is no clerical representative of the Roman Catholic, Lutheran, or other Christian faith to which the parties wishing to be married may belong.

As all marriages, therefore, must be ecclesiastically solemnized in this country, civil marriages are illegal.

With regard to members of the Russo-Greek Church, the main conditions for marriage are:—

1. That the bridegroom be not younger than 18, and the bride not younger than 16 years of age.

An exception to this rule is made for the native inhabitants of the trans-Caucasus region, in which the bridegroom may be 15 and the bride 13 years old.

2. The marriage of persons more than 80 years old is forbidden.

3. Marriage with a person of unsound mind, or with one who is insane, is prohibited.

4. No marriage can be solemnized without the consent of parents or guardians.

5. Persons employed in the civil or military service of the Crown must, for the purpose of marriage, obtain the sanction therefor of their superiors.

6. No person is allowed to contract a fourth marriage.

7. Marriages between persons of the degrees of affinity prescribed by the Church cannot take place.

8. No marriage can be solemnized without the mutual consent of the parties to be married.

9. Before a marriage, banns must be proclaimed in the parish or other church to which the bridegroom belongs on three successive Sundays or intervening holidays on which church services are held.

Marriages must, as a general rule, be solemnized in a church. When this cannot, owing to special circumstances, be done, a formal dispensation from the Bishop of the diocese must be obtained. There is no limitation as to the hours when marriages may be solemnized during the day. There is no fixed scale of marriage fees, which in rural districts are generally a matter of preliminary agreement, and in towns regulated by custom and precedent. In this matter they vary from a few shillings to several pounds sterling, according to locality.

Marriages of members of the Roman Catholic, Lutheran, and other Christian religions are regulated in Russia according to special ordinances for these Churches by law established.

In regard to these marriages it may be observed that male and female members of the Churches in question cannot contract marriage before attaining the age of 18 and 16 years respectively, nor may they marry within the degrees of affinity prohibited by the canonical rule of their Churches.

The marriage of members of all Christian persuasions must be preceded by triple proclamation of banns.

No person of the Evangelical Lutheran faith can be married before being confirmed, and before he or she has received the Holy Communion.

Marriages between Roman Catholics and Lutherans may be solemnized in private houses by way of exception.

The hours of the day during which Lutheran marriages may be solemnized are not fixed.

The solemnization of marriages in Roman Catholic churches takes place at any time during the day. No hours are fixed.

There is no regular scale of fees for any of the above marriages; they depend mostly on the social standing and means of the parties married.

Marriages of members of the Anglican Church are not taken cognizance of by that part of the Russian Code of Laws which relates to the governance of foreign Christian and other creeds in Russia, because the establishments of this Church in Russia are regarded by the Russian Government as chapels of Her Majesty's Ambassador, and therefore extraterritorial. Any question, therefore, that might arise as to the validity of a marriage solemnized between members of the Anglican faith in one of the churches of that faith established in this country would have to be decided according to the law relating to marriage in Great Britain.

In the matter of mixed marriages, the chief provisions of Russian law are as follows:—

Marriages between members of the Russo-Greek Church and those of other Christian religions must be solemnized by a priest of the former, and the children of such marriages must be brought up in the Russo-Greek faith, the officiating priest taking a written undertaking from the bridegroom to that effect prior to marriage.

An exception to this rule is made in favour of Finland, where, in marriages of the above description between natives of the Grand Duchy of the Lutheran and Russian creeds, the children are allowed to be baptized in the faith of the father.

Marriages between members of the Russo-Greek Church and those of other creeds, if solely solemnized in the church of another Christian faith, to which one of the parties may belong, are invalid, and the children of such marriages illegitimate.

Russian subjects of the Russo-Greek and Roman Catholic faiths are not allowed to contract marriages with non-Christians, and Protestants cannot marry heathens.

The marriages of Russian subjects of the Evangelical Lutheran Church with Mahomedans and Jews must be solemnized according to the rites of the above Church.

St. Petersburg, October 31, 1893.

No. 32.

Mr. Howard to the Earl of Rosebery.—(Received November 13.)

My Lord,

St. Petersburg, November 7, 1893.

WITH reference to your Lordship's Circular despatch of the 16th September last, I have the honour to transmit herewith a Return, prepared by Mr. Michell, showing the state of the law of divorce in Russia.

I have, &c.
(Signed) HENRY HOWARD.

Inclosure in No. 32.

Report on the Divorce Laws of Russia.

THE rules by which cases of nullity of marriage and divorce are decided in Russia are provided for in the Ordinances of each Church, which are embodied in the General Code of Laws, and all such cases come under the cognizance of the Ecclesiastical or Consistorial Courts of the several religious denominations existing in Russia, no secular Tribunal having jurisdiction in these matters.

Divorce may be sought by members of the Russo-Greek Church on the grounds of (1) adultery of either the husband or wife; (2) physical impotence; (3) sentence of a

Court of Law, under which one of the parties to a marriage has been condemned to loss of civil rights which involves deportation ; and (1) desertion of wife or husband during a period of five years.

Suits in divorce are adjudicated by Ecclesiastical Courts, namely, by the Consistorial Court of the Bishopric in which the husband in the suit resides, and the final confirmation of divorce pronounced by such Courts lies with the Holy Synod at St. Petersburg.

When the ground of a suit for a divorce is adultery, both husband and wife must appear personally in Court. Admission of adultery by one of the parties is not accepted as proof, which must be tendered by actual eye-witnesses of the act of infidelity.

A suit for divorce on the plea of impotence can only be brought three years after the celebration of marriage.

After the dissolution of a marriage both parties are allowed to contract new marriages, except in cases in which one of them is condemned to celibacy for adultery.

Proceedings in divorce before Russian Consistorial Courts are generally of a very costly character. Owing also to the nature of the evidence required, and the necessity to both parties to the suit of appearing in Court, considerable delay occurs before judgment is obtained.

Members of the Lutheran Church in Russia may seek divorce in their Consistorial Court on the grounds of adultery, concealed loss of virginity of the wife before marriage, attempt to poison, five years' desertion, incompetence and repugnance to marital intercourse, refusal to fulfil conjugal duties, incurable infectious diseases, madness, depravity of life, cruelty and offensive treatment, attempted dishonour, unnatural propensities, grave crimes involving sentence of death or a punishment in substitution, or penal exile. Together with the sentence of divorce the Court decides as to the custody of the children.

The cost of obtaining a divorce in the Lutheran Consistorial Court is not great.

Cases of divorce among Russian Jews are decided by a rabbi or his assistant.

Appeals lie to the Rabbinical Commission of the Ministry of the Interior.

Mahomedan marriages are dissolvable by Mollahs, against whose judgments in such cases appeal may be made to the higher Mahomedan Ecclesiastical authorities at St. Petersburg or to the Minister of the Interior.

St. Petersburg, October 31, 1893.

SAXONY.

No. 33.

Mr. Strachey to the Earl of Rosebery.—(Received November 25.)

My Lord,

Dresden, November 20, 1893.

WITH reference to the required Report on the marriage legislation of this kingdom, I have the honour to state that the general law of the subject is German (Imperial Statute of 1875), and removed from Saxon competence.

Reserved for regulation by the Confederated States of the Empire are the following details :—

(a.) Liability of minors to consent of guardians on marriage, and to additional control by Courts of Ward or family councils.

(b.) Legal consequences of marriages contracted within the prohibited degrees and periods.

(c.) Dispensations in case of obstacles.

(d.) Dispensations in regard to publication of banns.

(e.) Special publication and registration of divorces.

* To the dissolution of a marriage in such a case the consent of the husband or wife sentenced to exile is necessary. Should the husband or wife, at the end of his or her exile, be condemned to exile again, their marriage is not dissolved.

(f.) Compensation to clergy and sextons on account of eventual losses from introduction of civil marriages.

(g.) Exceptional assumption of duties of the registry office by other local functionaries.

The Saxon regulations on the above points are as follows:—

(a.) Guardians not to consent to marriage of minors except after reference to the Court of Ward. (A guardian is appointed for all minors on the demise of the father.)

(b.) Marriages of this category (see above) to be dissolved by Judicial decision only, which may follow on grounds of imbecility, want of majority, or similar, if suits are instituted within six months from the celebration of the marriage.

(c.), (d.) The Minister of the Interior is competent.

(e.), (f.) Of no interest.

(g.) Refers to Bavaria only.

The hours of registry are not fixed by law. The nominal time here is from 10 to 12 A.M.; in the provinces according to the local requirements.

According to the Imperial Statute the regular procedure is gratis, but extracts from the register and other exceptional certificates are taxed at 50 pfenninge or 1 mark (6d. or 1s.), according to circumstances.

I have, &c.
(Signed) G. STRACHEY.

No. 34.

Mr. Strachey to the Earl of Rosebery.—(Received November 23.)

My Lord,

Dresden, November 17, 1893.

I HAVE the honour to report as follows on the Law of Divorce in this kingdom:—

The essential legislation of the subject is contained in the Saxon Civil Code of 1863, which has received certain modifications by subsequent statutory enactments, local and Imperial.

The points of the whole which call for notice are these:

(a.) Ground of divorce is adultery on the part of the man or his wife; the offence must be, not inchoate, but complete. There is no adultery if the man offends in error, or when in an irresponsible state, or if the woman receives violence, or the act is instigated by either party, or is committed by both husband and wife.

(b.) The offence must not have been condoned or forgiven by express or implied pardon. Proceedings to be taken within a year from the discovery of the offence, or fifteen years after the commission of the same; subsequent express forgiveness is not efficient unless occurring before the institution of a suit; marital intimacy is not condonation if occurring before the complaining party has knowledge of the adultery which gives rise to the suit.

(c.) Further grounds of divorce are: unnatural offences of every description; connection with children under 12 years of age; wilful bigamy; malicious desertion for an entire year; specific sexual neglect during that period, when no sufficient ground of abstention is present; drunkenness established as incurable after there has been a year's separation *a mensâ et thoro*; intentional sexual self-mutilation by man or wife; cruelty dangerous to life; plots against life; general maltreatment if prolonged: the limitations as to time being the same as under (b).

Again, *psycopathia sexualis* on the part of the woman, medically established, in the degree that renders marital relations dangerous to life; incurable insanity on either side, officially established after three years' residence in a public asylum; change of religion (e.g., from Christian to Mahomedan), but not a mere confessional change (from Lutheranism to Calvinism).

(d.) *Primâ facie* ground for a decree of nullity is the criminal condemnation of the man or woman to imprisonment amounting to three years in all, unless the other party has granted condonation in the manner before described, or participated in the offences punished.

The pecuniary effects of divorce on the ulterior relations of the parties, the rules relative to separation *a mensâ et thoro* and its judicial consequences, with the forms of procedure, do not fall under the inquiry.

On the question of costs, I am informed that the normal charges of the competent Saxon Courts ("Landgericht," or Mixed Tribunal of the Second Order) would amount to

about 50 marks (2*l.* 10*s.*). As a maximum for a suit with examination of numerous witnesses, &c., 100 marks (5*l.*) has been named.

There are no private inquiry offices here, but institutions of that description exist in Berlin.

I would point out that the Saxon Law of Divorce is not identical with that of Prussia, which admits, *e.g.*, as a ground of nullity the plea of incurable mutual aversion, not recognized by the Saxon Code. A German Civil Code is in course of preparation, and will be hereafter submitted to the Imperial Parliament for discussion and eventual adoption.

I have, &c.
(Signed) G. STRACHEY.

SERVIA.

No. 35.

Mr. Fane to the Earl of Rosebery.—(Received December 9.)

My Lord,

Belgrade, December 4, 1893.

WITH reference to your Lordship's Circular despatch of the 16th September last, I have the honour to forward herewith an interesting Memorandum by Mr. Vice-Consul Macdonald, explaining the laws of marriage which prevail in Servia.

I have, &c.
(Signed) EDMUND FANE.

Inclosure in No. 35.

Outline of Servian Marriage Laws.

Celebrant and rites.

MARRIAGES between parties of whom one belongs to the Eastern Orthodox faith, in order to be valid, must be celebrated by a qualified priest according to the rites of the Orthodox Church, and must be entered in the church's marriage register.

Conditions of residence.

Marriages cannot take place in a parish where the parties do not permanently reside unless they are provided with a licence from the spiritual authorities of their place of residence.

Place of celebration.

The parties must have previously confessed and communicated.
The ceremony may, in case of necessity, be performed in any suitable place, but the rule is to celebrate marriages in church.

Witnesses.

Only one couple may be married at the same time.

Children of mixed marriages.

Two witnesses at least are necessary.
Children of mixed marriages are christened and registered members of the Orthodox Church.

Remarriage.

The canons of the Church permit the same person, being widowed or divorced, to marry three several times. A fourth marriage can only be contracted by special licence of the Supreme Ecclesiastical authorities.

Examination preliminary to marriage.

The marriage ceremony is preceded by an examination conducted by the bride's parish priest, at which the parents or guardians assist. At this examination, which is accompanied by a religious ceremony, the bride and bridegroom declare themselves to be unfettered by previous vows, and state that they are willing to take each other as husband and wife, and to exchange gifts.

Breaking off engagements.

Neither party, if desirous of breaking off his or her engagement, is allowed to enter into fresh negotiations for a marriage with another party until the examination has been cancelled by the spiritual authority, and the gifts have been returned.

Banns.

The examination is followed by the publication of banns, which must be given out in church by the parish priest on three successive holy days. A special licence to

dispense with banns may be given by the Bishop upon the proposition of the parish priest, who is responsible for any consequences that may follow.

The following are forbidden to marry :—

Monks and nuns.

Widows of priests and deacons.

Parties either of whom has a husband or wife living, from whom he or she has not been legally divorced.

Men of over 60, and women of over 50 years of age; boys under 17, and girls under 15 years of age, except by special licence of the Supreme Ecclesiastical authorities when the boy is 16½, and the girl 14½ years old. Marriages between boys and girls under 15 and 13 years respectively are absolutely invalid.

Minors who have not obtained the consent of their parents or guardians, except by special licence when the parties have attained their 18th year.

The impotent.

Idiots, maniacs, or complete cripples, and the deaf and dumb, particularly those who are suspected of physical or mental deficiency, or who are too poor to maintain a family, and who appear desirous of marrying for interest and not affection.

Those who are seriously ill, or who suffer from hereditary or infectious complaints, and those who are afflicted with any venereal disease. In the latter case a medical certificate of cure is essential before the contraction of a legal marriage.

[Note.—The Church does not forbid the marriage of persons who are dangerously ill if the marriage is proved to be essential or advantageous, and if both sides are willing, and the patient is in the enjoyment of his or her full mental powers.]

Condemned criminals or convicts during their term of punishment.

A marriage which has been celebrated between parties one of whom had been previously guilty of an offence for which he or she is subsequently condemned to hard labour is annulled on the petition of the innocent party.

Widows or divorced women who are pregnant, unless the infant's paternity is first established.

[Note.—A woman whose marriage has been dissolved is, in the event of her pregnancy, forbidden to marry until after her confinement; in the event of doubtful pregnancy, until nine months after the divorce, unless medical experts certify to her non-pregnancy, in which case she may remarry in six months.

A widow who has been left pregnant, and who seeks remarriage, must declare the fact and obtain her new husband's assent in writing. This document must be signed by the man before the local Mayor, and lodged with the priest.

In a case of doubtful pregnancy the widow must wait nine months, or submit to examination at the hands of the district midwife or some experienced elderly woman. A statement of fact must then be made before the Mayor, and signed by the intending husband, after which it is deposited with the priest. Any woman failing to comply with these laws loses all benefits assigned to her at the time of the divorce, or to which she may be entitled from her previous marriage.]

Christians and non-Christians.

Those who have been convicted of adultery with each other, or of attempting the lives of their lawful partners.

[Note.—Both parties to a divorce suit may remarry, the guilty party only on a special licence which may be given after confession and penance.]

Immigrants or foreigners who cannot prove that there is no legal impediment to their union.

Pupils at school without the sanction of the school authorities.

Officers, soldiers, or gendarmes with the colours without the permission of the Minister of War.

Widows of soldiers who cannot produce a certificate of the deaths of their husbands from the War Office.

Guardians may not marry their wards. Should such a marriage take place, the woman must return to her people, the guardian is excommunicated, and the officiating priest unfrocked.

Marriages are declared invalid which have been celebrated under the following conditions :—

Without witnesses.

Where one party has been deceived by the substitution of another, and petitions to have the marriage annulled.

Where the parties are related within the forbidden degrees.

Cases in which marriage is forbidden.
Religious orders.
Widows of clergy.

Existing matrimonial ties.

Prohibitions on account of age.

Special licence to minors without parents' consent.

Impotence.

Physical and mental deficiency.

Extreme poverty.

Illness and disease.

Crime.

Pregnancy.

Creed.

Adultery.

Foreigners.

Scholars.

Military service.

Widows of soldiers.

Guardians and wards.

Invalidation of marriages already celebrated.

[*Note.*—In the case of a runaway marriage, the union is only sanctioned on proof of the non-consanguinity of the parties.]

Degrees of affinity within which marriage is unlawful.
(See postscript.)

The degrees of affinity within which marriage is forbidden are of so complicated a nature that it would be impossible to explain them clearly in the form of a short Table. As succinct a description as is compatible with clearness is given in a postscript to this "Outline." The explanations are presented in the form given in Bishop Nicanor's "Tables of Affinity," published in 1886, and now out of print.

Seasons when marriage cannot take place.

Marriages are not allowed to take place between the 14th November and the 6th January; from Lent to St. Thomas' week (*i.e.*, the anniversary of St. Thomas' trial of faith, and not the feast of that saint); from All Saints' to St. Peter's Day (29th June); from the 1st to the 15th August; on Wednesdays or Fridays; on the day of the beheading of John Baptist (29th August); on the eves of great festivals; on the so-called feasts of our Lord and our Lord's family, or on any day on which a fast is proclaimed.

Hours of marriage ceremony.

Marriages can only be celebrated between sunrise and noon, after the morning service, and the bride and bridegroom must be completely fasting.

Marriage fees.

The following marriage fees are charged :—

On examination	..	..	..	..	..	..	..	Dinars.
On marriage—								1
Where the bridegroom pays direct taxes of over 15 dinars a-year	..							12
" " " up to 15 dinars a-year..	..							6
" " " under 15 dinars a-year	..							3

The above fees are paid to each officiating priest.

Tax on foreigners.

Foreigners pay, in addition to the above fees, a tax of 2 dinars on petition for a marriage licence.

Postscript.

Degrees of affinity explained.

The degrees of affinity within which marriage is forbidden are divided into three categories, *viz.*, blood relationships, relationships of friendship or adopted brotherhood, and spiritual relationships, or those of baptism or adoption.

Blood relationship.

Blood Relationship includes every member of a family issuing from a common progenitor on the male or female side. The Canon Law forbids marriages between blood relations up to the eighth degree, and divides these degrees into three classes :—

1. *Ascending Degrees*, which include ancestors, such as fathers, mothers, grandfathers and grandmothers, great grandfathers and great grandmothers, &c.

2. *Descending Degrees*, which include sons and daughters, grandsons and granddaughters, great grandsons and great granddaughters, &c.

3. *Collateral Degrees*, which include uncles and aunts, nephews and nieces, brothers and sisters, and all other relationships springing from a common ancestor. These collateral degrees are divided into the following principal groups :—

(a.) Collateral relationships derived from the first ascending degree, *i.e.*, from fathers and mothers, brothers and sisters and their descendants, nephews and nieces and their descendants.

(b.) Collateral relationships derived from the second ascending degree, *i.e.*, from grandfathers and grandmothers, uncles and aunts and their descendants.

(c.) Collateral relationships derived from the third ascending degree, *i.e.*, from great grandfathers and great grandmothers, great uncles and great aunts and their descendants.

The chain of relationship is in this manner capable of extension until the eighth degree of affinity is reached.

Relationships of adopted brotherhood.

Relationships of Friendship or Adopted Brotherhood.—These relationships spring from the marriage ties contracted between two or more families, each having a distinct ancestor; they are divided into twofold, threefold, fourfold, &c., relationships.

(a.) *Twofold Relationships.*—The marriage of a man of one family with a woman of another creates a relationship between the two houses, and marriage between their members is forbidden in some cases up to the sixth degree, and permitted in the seventh. In other cases marriage is forbidden in the seventh, and permitted in the sixth degree. The reason for this uncertainty is explained as being a provision against the disturbance of existing relationships which might be created by permitting, for instance, an uncle and nephew to marry two sisters and thus become brothers-in-law, and so raising, perhaps, the youngest member of the family above his natural position therein.

(b.) *Threefold Relationships* are those which may be created either by a second marriage, under which the family of the first wife is brought into relationship with that of the second; or by the marriage of two members of the same family with members of two distinct houses. Marriages between members of these three families are forbidden in the fourth and sanctioned in the fifth degree, always provided, as in the case of twofold relationships, that the marriage creates no disturbance of the existing relationships of the members of the family.

(c.) *Fourfold Relationships*.—These and *fivefold* or *sixfold* relationships would arise from a third marriage or from the marriages of four or five members of the same family. According to Canon Law these relationships disappear in some cases after the second, and in others after the first degree. Marriage in the first degree is considered unseemly.

Spiritual Relationships are created by the rites of baptism or adoption before the Church.

Relationship by baptism and adoption.

(a.) *Relationships by Baptism*.—A Christian child is born twice, once of its earthly parents, and again spiritually in baptism. The godfather becomes the spiritual father, and the child becomes its godparent's spiritual child, and this relationship extends between the members of the infant's family and their descendants, and the members of the godparent's house and their descendants. This relationship is held by the Church to be as close as that of blood relationship, with the exception that it does not extend to the collateral branches nor to the relationships created by marriage. The Canon Law forbids marriage in the godfather's case to the eighth degree. The godchild's relationship to its godfather's family disappears after the third degree.

(b.) *Relationships by Adoption*.—When a member of one family adopts a member of another, and this act is confirmed according to the rites of the Church, the respective families as well as the adopted child enter into a relationship within which marriage is forbidden in the direct line to the seventh degree, and allowed in the eighth. This relationship attaches to the collateral branches until the third degree is passed, when marriages may be contracted between the members of the families.

No. 36.

Mr. Fane to the Earl of Rosebery.—(Received December 9.)

My Lord,

Belgrade, December 4, 1893.

WITH reference to your Lordship's Circular despatch of the 16th September last, I have the honour to forward herewith a Memorandum by Mr. Vice-Consul Macdonald explaining the Law on Divorce which prevails in Servia.

I have, &c.

(Signed) EDMUND FANE.

Inclosure in No. 36.

Memorandum on Divorce Law in Servia.

ALL matrimonial causes are tried by the Spiritual Courts.

Divorce is granted for the following reasons:—

1. Proved adultery.

2. Attempts on the life of the partner, or participation in cruel or murderous measures with that object, or evil intentions discovered and not concealed by the would-be victim.

3. Treason committed by one of the partners against the country or Government.

4. If one of the partners forsakes the Christian faith.

Note.—According to the interpretation of the "Canons of the Church," by Bishop Nicanor (1886 edition, p. 17), secession from the Orthodox Church to any other branch of the Christian faith would furnish grounds for a divorce.

5. If the wife, without her husband's consent, visits the baths, beer-gardens, or other suspicious places, with other men, or spends the night in a strange house, or if the husband brings strange women into his house or keeps them elsewhere.

The Courts.

Grounds for divorce.

Adultery.

Cruelty.

Treason.

Apostacy.

Schism.

Improper places of resort.

Unproved charges of
infidelity.

Incitement to
immorality.

Crime.

Desertion.

6. If a man, out of hatred to his wife, accuses her of infidelity and is unable to prove the charge.

7. If a man urges his innocent and virtuous wife to sacrifice her honour.

8. If one of the partners is condemned to over seven years' imprisonment, or to hard labour.

9. Desertion during seven years.

According to the Civil Code the wife may obtain a decree of dissolution of marriage after three years' desertion in cases where the husband has left the country without the knowledge or permission of the Government and cannot be traced. Where there is proof that the desertion is wilful, the wife may obtain a divorce after four years.

In all cases of desertion steps must be taken, during the space of a whole year, to trace the missing partner by the aid of the authorities and the press.

Procedure of suitors:

Parties seeking a divorce are first bound to notify their intentions to their own priest, whose duty it is to make three separate attempts, at intervals, to reconcile them. If he fails in these efforts, he is to report the matter to the Superior Ecclesiastical Authority of his department, who renews the attempts at reconciliation. Should these not succeed the parties are sent before the Spiritual Courts, who also endeavour to mediate before pronouncing a decree of dissolution of marriage. There must be no collusion between the partners for the purpose of obtaining a divorce.

Collusion.

Costs.

The taxed costs in all matrimonial cases are 50 dinars.

SPAIN.

No. 37.

Sir G. Bonham to the Earl of Rosebery.—(Received November 14.)

My Lord,

Madrid, November 7, 1893.

I HAVE the honour to transmit herewith a Return relating to the Marriage Laws in Spain, asked for in your Lordship's Circular despatch of the 16th September, giving, as far as I have been able to obtain it, the information required for presentation to Parliament.

I have, &c.

(Signed) G. F. BONHAM.

Inclosure in No. 37.

Report respecting Marriage Laws in Spain.

Two forms of
marriage: canonical
and civil.

Rules applicable to
both.

IN Spain two forms of marriage are recognized, the canonical, or religious, which is obligatory on all who profess the Roman Catholic religion, and the civil, which is celebrated in accordance with the Civil Code.

The following rules are applicable to both canonical and civil marriages:—

A ceremony of betrothal is not binding, and no Tribunal can enforce a marriage as a consequence thereof. If, however, a promise is made by means of a private or public document by a person who is of age, or by a minor with the necessary consent, the party refusing to marry (except for just cause) is bound to indemnify the other party for any expense caused by his or her refusal. Any action to enforce such a right must be taken within a year of the repudiation.

Marriage is forbidden to minors who have not obtained the necessary permission, and to those of full age who have not obtained the required consent, to widows during 301 days after their husbands' death, or before their delivery, in the event of their

having been *enceinte*, and the same rule is applicable to women whose marriage has been annulled.

The permission required in the case of minors is, when they are legitimate, that of the father; failing him, that of the mother or grandparents; failing relations, that of the family council.

In the case of illegitimate children recognized and rendered legitimate by Royal consent, permission is required from those who have recognized and legitimized them, from the grandparents, or from the family council.

Adoptive children require, in the first instance, the consent of the adopting father; failing him, that of the natural relations.

Unrecognized illegitimate children require the consent of the mother if legally known, or of the natural grandparents; failing both, of the family council.

The Superintendents of Foundling Hospitals stand *in loco parentis* to those brought up in such institutions as regards consent for marriage.

The age at which majority is reached is on the completion of the 23rd year, but daughters who have attained that age are forbidden to leave the paternal roof until they have attained their 25th year, except with the permission of their father or mother. Orphans can be declared of age on completing their 18th year by permission of the family council, confirmed by the competent legal authority. Marriage with consent confers the civil rights of majority. Age of attaining majority.

Sons who have attained their majority must ask the consent of their parents, and in case it is not granted they must not marry for three months. They may then apply for and obtain permission from the Courts of Law. It is not necessary, in case of permission being refused, to give reasons.

If, notwithstanding the prohibition already alluded to, a marriage is contracted between minors without permission, or between persons of full age without consent, the marriage is binding, but the contracting parties are subject to the following regulations:—

The marriage will entail absolute separation of goods, and each party will retain the administration of his or her own property, though with the obligation to contribute proportionately to the maintenance of the household. Neither party can receive anything from the other by legacy or gift, an exception being, however, made in the case of widows or persons whose marriage has been annulled, in the event of their marrying within the prescribed 301 days, if they have obtained a dispensation.

If one or other of the parties should be a minor under tutelage, he or she will not obtain the administration of property until attaining majority, but will only be entitled to a maintenance which must not exceed his or her net income. In the case of a guardian, or a member of a guardian's family, marrying his ward, he would lose the power of the administration of the latter's property during minority, and no such marriage is legal except with the express authorization of the father by testamentary or other public document while the minor is still under tutelage.

Canonical Marriages.

Canonical marriages in Spain are regulated by the laws of the Catholic Church, and of the Council of Trent, which are accepted as laws of the kingdom. Canonical marriages. The canonical marriage binds the contracting parties to all provisions of the Civil Code. The Municipal Judge, or some State functionary, must be present at the celebration of a Catholic marriage, but only in order to secure its immediate insertion in the civil register. Persons about to marry must therefore give twenty-four hours' notice in writing of the day and hour fixed, and the place where a marriage is to take place, under pain of incurring a fine of from 5 to 8 pesetas.* The Municipal Judge will acknowledge the receipt of this notice, under a penalty of a fine from 20 to 100 pesetas. This acknowledgment must be presented before the marriage can be celebrated.

Should the omission be on the Judge's part after due notice received, the registration will be carried out later at the expense of the official concerned, who will moreover have to pay a fine of not less than 20 or more than 100 pesetas. In this case the marriage will be legal from the date of its celebration.

If the fault lies with the contracting parties who have not given due notice, it can be rectified on their application, but the marriage does not become legal until registration has taken place.

Canonical marriages celebrated *in articulo mortis* must be duly notified to the civil authority. The penalties prescribed for not doing so will not be incurred if it can be

* A peseta is equivalent to a franc.

proved that it was impossible to give notice in time, but in order to have civil effect it must be registered within ten days of its celebration.

A secret marriage for conscience sake, before the Church, has no civil effect until it is duly registered.

Such a marriage will, however, take effect civilly from the date of its celebration if both parties petition the Archbishop who has authorized it to have a copy of the entry in the secret register of the Archbishopric, sent with due precautions to the civil registry, asking for its inscription. For this purpose a special secret registry is kept, with safeguards against the contents being made known until the parties desire the publication of the marriage.

Civil Marriage.

Marriage is forbidden to males who have not completed their 14th, and to females who have not completed their 12th year, but a marriage under this limit would be held valid if the parties have lived together for one day after the attainment of legal puberty, without any objection having been made in law; or if the woman should be enceinte before the age of legal puberty, or before the lodging of an objection.

Marriage is also forbidden to persons of unsound mind, to impotent persons, priests, and those bound by religious vows, unless they have received canonical dispensation. Marriage is also forbidden in the following cases:—

Consanguinity in ascending and descending lines.

Collaterals by legitimate consanguinity or affinity to the fourth degree.

Collaterals by natural consanguinity or affinity to the second degree.

In the case of adopted children, between such children and the adopting parents, the prohibition being extended to the widow of an adopted son, and to a marriage between the latter and the widow of his adoptive father.

The legitimate descendants of the adopting father with the adopted son, so long as the adoption continues.

Those who have been found guilty of adultery ("sentencia firme").

Those who have been found guilty, either as author or accomplice, of the death of a former husband or wife.

The Government can, however, on just cause being shown, grant dispensation from the regulation forbidding a widow to remarry within 301 days, between relations of a certain degree of affinity, and between an adopted person and the descendants of the adoptive father.

With regard to the actual celebration of marriage according to the Civil Code, it is laid down that a declaration must be laid before the Municipal Judge, signed by both parties, stating the names, age, profession, domicile, or residence of the contracting parties, and those of their parents.

The declaration must be accompanied by the certificate of birth, and of the position of the contracting parties, and by the licence or dispensation should it be necessary.

The marriage can be celebrated in person or by proxy, by any one having special permission, but the presence of the contracting party domiciled or resident in the district of the Judge authorizing the marriage is always necessary. The special instrument will contain the name of the person with whom the marriage is to be celebrated, and remains valid unless revoked in authentic form before its celebration.

If the two parties do not reside in the district of the same Municipal Judge, two declarations are necessary, one to the Municipal Judge of each of the two districts in which the contracting parties reside, stating which Judge is to perform the ceremony; and in each of the districts the following formalities must be observed:—

The Magistrate, before ratifying the contract, will cause notices to be put up for fifteen days previously, giving all the particulars already mentioned, and calling upon anybody who has an objection to declare it. He will also send similar notices to be affixed for fifteen days in the public office of the Municipal Judge of any district in which the parties may have resided within two years previously; these are to be returned at the expiration of that time, with a certificate that the conditions have been complied with, and that there is, or is not, any objection.

Soldiers on active service desiring to marry will be dispensed from the publication of these notices, except in the place where they reside, on presentation of a certificate of permission signed by the commanding officer of the corps to which they belong.

If strangers who have not resided for two years in Spain desire to marry, they will have to prove by a certificate, drawn up in due form by the necessary authority, that the

Age at which
marriage is permitted.

Other reasons for
prohibition.

Rules as to giving
notice.

publication of the marriage has taken place according to the forms required in the country in which they have been domiciled for two years previously.

In all other cases the Government only can dispense with the publication of the edicts on sufficient reasons being proved to its satisfaction.

Pursers of ships of war and captains of merchant-vessels can authorize the celebration of marriages on board ship in case of imminent danger of death. Such marriages will, however, be considered as provisional.

The same rule will apply to chiefs of military expeditions in the field, with respect to persons under their command who wish to contract marriage *in articulo mortis*.

After the fifteen days before alluded to have elapsed, without any impediment to the marriage being announced, or without knowledge of such impediment on the part of the Municipal Judge, the marriage will be celebrated in the terms prescribed by the Code.

If a year should elapse after the publication of the edicts without the marriage taking place, fresh notices will be necessary.

If before the celebration of the marriage any legal impediment is opposed to it, or As to objections. if the Municipal Judge has cognizance of any such, the marriage will not be proceeded with until the falseness or inadequacy of the impediment is declared.

It is obligatory on all persons who are aware of an intended marriage to make known any impediment of which they may be cognizant. The objection having been lodged, it will be referred to the Public Prosecutor, who, in the event of there being legal grounds for it, will register the opposition to the marriage.

Only private individuals personally interested in preventing a marriage can enter an independent protest against it, and in both cases the protest must be maintained in accordance with the provisions of the civil law, and in the ordinary course of judicial procedure.

If the alleged impediments are legally proved to be false, the person who has made the allegations is condemned to pay an indemnity.

The marriage is celebrated in the following manner: The parties themselves, or one of them and the proxy appointed by the other, appear before the Judge accompanied by witnesses of full age and without legal disqualification. The Municipal Judge reads the Articles of the Code relating to the obligation of married people to live together in fidelity, and with mutual care for one another. The husband being bound to protect the wife, and the wife to obey the husband, the Judge will ask each if they persist in their intention of assuming these obligations. If they answer in the affirmative, the record of the marriage will be written out in due form, signed by the Judge, the contracting parties, the witnesses, and the Secretary of the Tribunal. Form of ceremony of civil marriage.

Consuls and Vice-Consuls exercise the functions of Municipal Judge in the case of marriages of Spaniards celebrated abroad.

The age at which majority is reached is on the completion of the 23rd year, but Age of attaining majority. daughters who have attained that age are prevented from leaving the paternal roof until they have attained their 25th year without the permission of their father or mother.

Orphans can be declared of age on completing their 18th year by permission of the family council confirmed by the competent legal authorities. Marriage with consent confers the civil rights of majority.

According to information supplied by a Judge of First Instance in Madrid, no fees are charged for civil marriage in Spain, the only expense being the stamped paper used for the official documents, besides which the birth or baptismal certificate costs 1 peseta (1 fr.), and the "cedula personal," or certificate of identity, costs 75 centimes ($7\frac{1}{2}d.$). The other certificates required are the declaration that the party is unmarried, and the consent of parents. Expenses incident to civil marriages.

Marriages may be celebrated either by canonical or civil law at any time during the twenty-four hours.

Annexed is a Table showing the scale of fees charged for canonical marriages in Madrid, which, I am informed, is applicable to the whole kingdom:—

Fees for canonical marriage.

TABLE showing the Scale of Fees charged at the Vicar-General's Office for Marriages celebrated in the Diocese of Madrid. Approved October 21, 1861.

							Pesetas.
The Vicar-General*	..	..	..	..	..	..	250
The Fiscal†	..	..	..	..	..	..	150
Ordinary ..	..	..	..	..	..	..	50
Ditto, half fees for poor people	..	..	..	..	..	..	25
Semi-ordinary ("medos regulares")‡	..	..	..	..	..	..	40
Ditto, half fees	..	..	..	..	..	..	20

In marriages of the very poor, the Secretaries may charge 10 reales (2½d.) for their work.
In every case the stamped paper is at the charge of the persons interested.

No. 38.

Sir G. Bonham to the Earl of Rosebery.—(Received November 14.)

My Lord,

Madrid, November 7, 1893.

IN compliance with the instructions contained in your Lordship's Circular despatch of the 16th September, I have the honour to transmit herewith a Return giving the Laws in Spain relating to divorce, to which are appended those relating to nullity of marriage.

These Laws are taken from the Civil Code, and those relating to divorce are applicable to civil marriages in contradistinction to canonical marriages, the result amounting to judicial separation.

The legal expenses entailed vary according to the circumstances of the case.

I have, &c.

(Signed) G. F. BONHAM.

Inclosure in No. 38.

Report respecting Divorce Laws in Spain.

IN Spain, as is pointed out in the Civil Code, the Laws of Divorce are applicable only to civil marriages. The grounds for divorce in canonical marriages are dealt with by the Ecclesiastical Tribunals in accordance with the precepts of the Sacred Canons, and the strict and pure morality of the Catholic Church.

There are, however, marriages, such as those of persons within the prohibited degrees which are null and void, with respect to which the regulations are given, although they have been included, as being equally applicable, in the Report relating to the Marriage Laws.

The following are the clauses relating to divorce:—

Divorce can only bring about a suspension in the life in common of married persons.

Legitimate causes of divorce are as follows:—

1. The adultery of the woman in every case, and that of the man if public scandal is caused thereby, or if the husband's conduct causes detriment to the wife's position—"menosprecio" is the word used.

2. Acts of ill-treatment or of severe injury.

3. Violence exercised by the husband on the wife to oblige her to change her religion.

The proposal of the husband to prostitute the wife.

4. The endeavour on the part of the husband or the wife to corrupt the sons or to prostitute the daughters, as well as connivance in their corruption or prostitution.

5. The condemnation of the husband or wife to imprisonment for life.

The application for divorce can only be made by the innocent party.

During the time the legal proceedings are being carried on the following rules will be observed:—

The separation of the husband and wife, the detention of the wife in the cases

* This class is designated when the Vicar-General (Señor Vicario), accompanied by a notary and an official, proceeds to the house of the bride to receive the declarations.

† This class is designated when, instead of the Vicario, the Fiscal, or some other high ecclesiastic, is requested to be present.

‡ This class of marriage is when one of the contracting parties belongs to another jurisdiction.

Laws relating to divorce.

Suit to be brought by innocent party.

Rules to be observed pending legal proceedings.

and in the manner prescribed in the Law of Civil Procedure, *i.e.*, if the action is brought by the husband the wife is placed in a place of security—usually a convent chosen by the husband. If a divorce is sought by mutual consent, the wife can in such case choose the place where she will be detained, always provided the place chosen is approved of. The adoption of the measures necessary for preventing the husband who has given cause for divorce, or against whom the demand for nullity of marriage has been made, from doing any injury to the wife in the administration of her property.

The effects of divorce are as follows:—

Effects of divorce.

1. The separation of husband and wife.
2. The placing of the children under the power and protection of the innocent party.
3. In case both have been guilty, a guardian will be appointed for the children, notwithstanding which, if the sentence has not provided otherwise, the mother will have charge of the children under 3 years of age.

On the death of the innocent party, the guilty one will obtain his or her rights over the family if the cause of divorce was adultery, ill-treatment, or serious injury. If it was distinct from these causes a guardian will be appointed for the children, the deprivation of the *patria potestas* not exempting the guilty party from the fulfilment of his duties towards his children.

The guilty party will lose his right to everything that may have been given or promised by the other, while the innocent party will keep everything that may have been received, and will have a right to everything that may have been promised. A separation of goods belonging to the two parties is also decreed. The husband, if the innocent party, will retain the administration of the wife's property, who will only have a right to the means of subsistence.

A reconciliation will put an end to proceedings in divorce, but the parties must make it known to the Court. The Court will, however, take measures to protect the children from any evil results which might ensue from communication with their parents.

In addition to the preceding rules respecting divorce, the following marriages are declared to be null:—

Laws relating to nullity of marriage.

Those described in the Return relating to Marriage Laws, *viz.*, males under 14, and females under 12.

Marriages declared to be null.

Those not in full possession of their faculties at the time of the marriage.

Impotent persons.

Those in Holy Orders or bound by a vow of chastity, unless they have obtained canonical dispensation.

Ascendants or descendants by consanguinity or natural affinity.

Collaterals by legitimate consanguinity to the fourth degree.

Collaterals by legitimate affinity to the fourth degree.

Collaterals by consanguinity or affinity to the second degree.

The adoptive father and mother with the adoptive child, the adoptive child with the survivor of either father or mother, or the adopted father or mother with the survivor of the adoptive child or his wife.

Legitimate descendants of the adoptive father with the adoptive child so long as the adoption continues.

Adulterers who have been convicted.

Those who have been convicted as authors, or as authors or accomplices, of the death of husband or wife of the other party.

Note.—Dispensation can, however, be granted in certain circumstances in the case of widows within the prescribed period of 301 days of their husbands' death, and also with regard to collaterals within the third or fourth degree of lawful consanguinity, and with regard to the impediments arising from legal or natural affinity, as well as those referring to the descendants of the adoptive father.

Marriages contracted by mistake, or by coercion, or under the influence of fear; those with a person carried off by force so long as the woman remains under constraint; those celebrated without the intervention of the competent Municipal Judge, or without the two witnesses required by law. The action for nullity can be brought by either husband or wife, by the Public Prosecutor, or by any person having an interest in it. In several of these instances, however, if the parties live together for six months after the cause for nullity has been removed without the plea having been brought forward, the action cannot be brought.

The results of a decree of nullity resemble those of divorce. Besides the separation of husband and wife during the progress of the suit, and the detention of the wife in the manner prescribed in the Law of Civil Procedure, the children will be under the charge of

Results of a decree of nullity.

one of the parties or of both, as may be determined. Arrangements will be made to provide subsistence for the wife and for the children who do not remain under the power of the father; measures will be taken to prevent the husband against whom the demand for nullity has been brought from prejudicing the wife in the administration of her goods.

Marriages contracted in good faith produce civil effects even though declared null, and good faith is presumed unless the contrary is proved.

If the decree of nullity is carried into effect, sons of 3 years old and upwards remain with the father, and the daughters with the mother; children under 3 years old remain with the mother unless for special reasons other arrangements are made.

With regard to property, a decree of nullity will have the same effect as the dissolution of the marriage by death, but the party who has acted with bad faith will have no right to the property acquired during marriage.

SWEDEN AND NORWAY.

No. 39.

Sir S. St. John to the Earl of Rosebery.—(Received December 4.)

My Lord,

Stockholm, November 30, 1893.

IN obedience to the instructions in your Lordship's Circular despatches of the 16th September last, I have the honour to forward herewith two Reports on the Laws in force in Sweden and Norway as regards marriage and divorce respectively.

I have, &c.

(Signed) SPENSER ST. JOHN.

Inclosure 1 in No. 39.

Report respecting Marriage Laws in Sweden.

A MAN may not marry until he has attained the age of 21 except by special permission of the King; a woman may not marry until she has completed her 17th year, and (unless she be a widow) must have the consent of her legal guardians until she is 21.

Marriage is forbidden between all ascendants and descendants in the direct line, between all persons related by marriage in the same line, between brother and sister, uncle and niece, or aunt and nephew, or their issue or ascendants.

These prohibited degrees apply equally to relations of the half blood as to those of the whole blood, and to illegitimate as well as to legitimate relations.

Marriage between brother-in-law and sister-in-law is not forbidden.

Whoever has seduced a woman under the age of 21 shall not be allowed to marry her except with the consent of her father and mother, or on the authorization of a Judge.

In case of criminal proceedings instituted for adultery, the guilty parties shall not be allowed subsequently to marry one another, even after the death of the innocent husband or wife, except by special permission from the King.

No person whose adultery has caused the dissolution of a marriage shall be allowed to remarry until the innocent husband or wife is dead, or has married again, or has consented to such marriage, and until the King's permission has been obtained. And if the guilty party remarry notwithstanding, he shall be liable to a fine and his marriage will be invalid. Nor shall the innocent party be at liberty to remarry—on penalty of a fine—until a legal divorce shall have been effected.

Widowers may not re-enter into wedlock until six months after the death of their

wife, and widows may not remarry until a twelvemonth have elapsed from their husband's decease, on penalty of a fine.

Where a divorce has been pronounced the wife may not marry again until such time have elapsed from the date of the summons for the dissolution of her marriage being lodged with the Court as to allow for the actual birth, or possibility of the birth, of a child of which she might have been *enceinte* before applying for the divorce.

Neither widower nor widow may contract a new marriage until they have proved that the legal claims of their issue, or other heirs, are fully satisfied.

Previous to marriage a betrothal takes place, when, in the presence of the woman's guardian, jointly with four witnesses, two on behalf of each party, the betrothed persons exchange rings.

But although the law is still in force on this point, the procedure in question is looked on as antiquated, and is rarely observed. However, if practised, the betrothal cannot be broken off unless due notice be given to the ecclesiastical authorities that such is the wish of both parties, and that no intercourse has taken place between them; or unless, in some other specified cases, application to break off the betrothal have been made to a Judge or other legal authority. Among the cases so provided for is, when it appears that one of the betrothed persons suffers from leprosy, epilepsy, insanity, frenzy, and certain other contagious and incurable diseases, whether in existence before or contracted since the betrothal.

Banns are published in the bride's parish church, and as the clergyman is responsible for any mistake made, he takes care that there are no lawful objections to the marriage of the parties. This is usually proved by the production of the certificate issued by the pastor of each parish to every parishioner on his confirmation, or of a certificate from two responsible persons that no objections to the marriage of the parties exist to their knowledge.

With regard to unknown persons of Swedish nationality requesting banns to be published, the following is required: The parties must insert notice of their intention in the official Gazette, naming the clergyman, to whom any objections must be made within a period of from three to six months in the case of those who have never been abroad, and of one year in the case of such as ought to have produced certificates from abroad. If the parties, however, can produce sufficient evidence of conduct and position, or if reliable persons attend and are prepared to testify to the same, such notice in the Gazette is not required.

These regulations apply to foreigners who, having resided in Sweden for two years and having failed to produce such evidence as afore mentioned, may make known their intention in the said way, and after the expiry of one year may have their banns published, provided no lawful objection has been made or is otherwise known.

The banns must be published on three consecutive Sundays, except in time of war, or when one of the parties is declared to be on his or her deathbed, in which cases the banns may be published three times on one Sunday or other holy day. After the due publication of the banns a certificate is issued, on the strength of which any clergyman may perform the marriage ceremony.

As regards time and place, both are quite optional, weddings in church being exceptional.

The clergyman who performs the ceremony is not entitled to any fee.

No marriage certificate is issued, the fact of the ceremony having taken place being entered on the husband's "confirmation certificate." After the due publication of their banns neither of the parties is at liberty to marry any one else until the Courts have dissolved the betrothal. And should they again wish to be married to one another new banns must be published.

With regard to non-members of the Swedish Church, it is enacted—

1. The banns shall be published in the church of the parish where the woman is resident, by the Rector of the said parish. Certificates of baptism and of having partaken of the Communion are not required from non-members of the Swedish Church.

The same Law applies to marriages between a member of the Jewish faith and a member of the Swedish Church or of another Christian faith, as well as to marriages between two members of the Jewish faith.

2. Marriages between two members of any Church (other than the Swedish Church) whose clergy have received the King's permission to perform legally effective marriages shall be performed according to the rites of such Church.

If the two parties belong to different Churches (with clergy qualified as above mentioned), or if only one party is a member of such Church, the marriage may be performed according to the rites of the Church of either party or before a civil authority.

This applies to marriages between a member of any Christian faith and a member of the Swedish Church.

Where neither party belongs to the Swedish Church nor to any other Christian faith with qualified clergy as before mentioned, or in cases of marriage between a member of the Swedish Church and a person professing the Jewish faith, such marriage shall be performed before the civil authority, *i.e.*, the Magistracy in a town, or the High Bailiff in the country. Such authorities shall have to satisfy themselves as to the existence of no legal obstacle to the marriage in the same way as the clergyman in the case of an ecclesiastical marriage. The man and woman having then expressed their voluntary consent to the marriage in the presence of relations or other witnesses, they shall be pronounced husband and wife. The proceedings shall be recorded in a protocol, and, in the case of a marriage before a High Bailiff, certified by witnesses. Such marriage shall have full civil validity notwithstanding its not having been accompanied by any religious ceremony.

3. In cases where any person who has not been baptized nor partaken of the Holy Communion in the Swedish Church wishes to enter into matrimony, his marriage can be celebrated before a civil authority as above described.

By Swedish law a legal marriage takes place in certain other cases without any ceremony being performed. If a man seduces his betrothed, and then refuses to complete the marriage, she shall be declared his lawful wife and be entitled to her full legal share in his property.

If a man seduces a woman under promise of marriage, she shall be declared his lawful wife if he declines to carry out his promise when called upon to do so by her and her parents. If the man deny any promise of marriage, the Courts shall decide the question. Both parties may, however, agree to cancel the obligation of marriage, and in such case a decree of divorce shall be issued.

Among the legal consequences of a lawful marriage are these:—

1. If a woman under the age of 21 marries against the will of her father or mother, they have power to disinherit her. If a son or a daughter (over the age of 21 or a widow) residing in their parents' house and supported by them, marry against their parents' wishes, they also may be disinherited, provided that the marriage is in contempt and disregard of the parents, or to a person of indifferent reputation.

2. If a woman under the age of 21 marries after the death of her parents without the consent of her lawful guardian, from whom she is entitled to inherit, he shall have power to disinherit her in respect to any acquired real property and movables. If she is not next-of-kin to her guardian, she shall be liable to a fine of one-twentieth part of her own movables and other acquired property for the benefit of the poor.

3. After marriage the husband is guardian of the wife, with power to sue and defend on her behalf, except as regards property specially excluded from his administration.

4. After marriage husband and wife share in the joint property.

5. Marriage legitimizes any issue the husband may have had by his wife previously.

Where a man and woman have been declared lawful husband and wife though no marriage ceremony have been performed (*see ante*), the wife shall share the husband's property. If the husband have objected to the marriage ceremony being performed, he shall have no share in his wife's property.

Inclosure 2 in No. 39.

Outline of the Marriage Laws of Norway.

(Translation.)

UNDER existing Laws marriage between two members of the State Church can only be solemnized by a minister of that Church.

A marriage between a member of the State Church and a Nonconformist (Christian) can be solemnized either by a minister of the State Church, or by a Nonconformist minister or "Forstander" * duly qualified for the purpose, or civilly, by a notary public. The persons to be married may choose between the above. However, the minister or "Forstander" applied to may decline to solemnize a marriage.

* "Forstander" = an official chosen by Dissenting congregations to represent them in legal and other business.

A marriage between two persons both Nonconformists (Christians) can be solemnized either by a Nonconformist minister (or "Forstander"), or civilly, by a notary public.

A marriage between two persons not Christians (*e.g.*, Jews), or between two persons one of whom is not a Christian (*e.g.*, a Jew), may only be solemnized by a notary public.

Before a marriage can be solemnized by a minister of the State Church banns must be published once in the church of the parish where the woman resides.

The certificates required before the solemnization of a marriage are enumerated in a Circular of the Ministry of Justice dated the 4th March, 1892, and are as follows:—

1. That neither of the parties is bound by a previous engagement (certificate signed by a parish priest or two trustworthy persons).

2. If either of the parties has been married before—certificate that the previous marriage is dissolved by death or otherwise, and that partition of the estate has been carried out.

3. For officers of the army and navy—certificate of permission to marry from the King or the Norwegian Government; and for enlisted non-commissioned officers and soldiers, certificate of permission from the proper officer.

4. In the case of certain officials—certificate of payment of the proper amount to the Widows' Pension Fund.

5. For those not confirmed in the State Church—a certificate of vaccination (not required from such as have suffered from small-pox).

6. For any person belonging to the State Church—certificate of baptism and of having partaken of the Communion.

Cases where Marriage is prohibited.

1. No person shall be betrothed (nor, consequently, shall be married) unless of full age, namely, 20 years of age in the case of a man, and 16 years in the case of a woman.

Dispensations were formerly given from this law, but in practice it is now considered without effect, and in each separate case the maturity of the parties is alone considered. Indeed, the Ecclesiastical Department has several times stated that, as regards the age of members of the State Church, no other limit can be admitted than that which arises from the requirement that the person to be married has been confirmed and has partaken of the Communion before the solemnization of his or her marriage. The youngest age for confirmation is 14 years, but in certain cases a dispensation from this rule has been occasionally granted.

2. Physical defects are, in general, not a hindrance to marriage. However, the Church Ritual forbids those who are evidently unfit for matrimony to contract a marriage.

3. Persons who have not been vaccinated must not enter into matrimony unless they can prove that they have had the small-pox. Vaccination is attested by an official certificate.

4. As marriage implies the consent of both parties, they must consequently be able to give a valid declaration of consent. A person is debarred from matrimony if suffering from chronic insanity, or if deprived of his senses at the time when his consent is given, owing to disease, drunkenness, &c.

In certain cases the declaration of consent of the parties themselves is insufficient, the consent of their nearest relatives or friends being also required. Thus, men under the age of 18, and women between the ages of 18 and 21, must, even if physically mature, have a certificate of the consent of their parents or guardians. If such consent be improperly withheld, certain further steps can be taken by the authorities.

A widow, however, does not need such consent, being already invested with full power without reference to her age. Men between the ages of 18 and 21 do not require the consent of their guardians.

Persons in the position of convicts, being deprived of liberty, are practically debarred from matrimony, unless they should, in some individual cases, obtain the consent of the prison authorities.

The question has been raised whether it should not be in the power of the public authorities to prevent a marriage between persons unable to support themselves, such as

paupers depending on the Poor Fund, but the law has nowhere made want of means a hindrance to marriage.

5. Neither party must be bound by any legal obligation to enter into matrimony with another person (Ordinance of 5th March, 1734).

6. Neither party may have already contracted marriage unless such marriage have been dissolved by death or otherwise.

7. If either of the contracting parties shall have been previously married to a person now dead, the priest who is to solemnize the marriage must, unless he has personal knowledge of the death in question, be furnished with a certificate of death by the priest of the parish where the death took place, or, if the death occurred abroad, with a certificate from the Norwegian Consul, or else witnesses to the death shall be produced.

A widow cannot marry again for nine months after the death of her husband, unless a doctor's or midwife's certificate be produced that she is not *enceinte* or is beyond the age of childbearing.

8. If a previous marriage has been dissolved, owing to the disappearance of the husband or wife, a Judgment of the Court to this effect must be furnished.

9. In the cases mentioned in paragraphs 7 and 8, before proceeding to a new marriage, the person desirous to marry must have settled, or begun to settle, the division of property (required by Norwegian law) with the heirs of the person deceased or disappeared.

10. In case the person desirous to marry has been previously divorced, a copy of the Judgment of the Court of Law must be produced.

11. If a previous marriage shall have been solemnized in pursuance of a special Royal permission, a separate permission for a new marriage must be produced.

Time of day when a Wedding takes place.

The Church Ritual prescribes that when a marriage is to take place in a church it shall be performed before the hour of 11 A.M. This rubric is, however, disregarded. The custom is to arrange verbally with the minister (or notary public) at what hour a marriage shall take place.

Payments or Fees for Marriages.

The Law states that, in towns, the priest must accept such an offering as is made voluntarily, and shall not demand anything further, but that, in the country, he shall be paid 32 skillings Danish ($7\frac{1}{2}d.$) for a marriage. The above scale of fees was, however, fixed on the assumption that the marriage ceremony would take place at the time of Morning Service, and that offerings would be made to the priest by all the persons present. When, however, as is now customary, the wedding takes place at some other time, the priest is considered justified in requiring such fees as are customary in the locality, but is expected to show indulgence in the case of the poorer members of the congregation.

The payment made to a notary public for solemnizing a marriage is the same as that made for ordinary notarial business.

Inclosure 3 in No. 39.

Report respecting Divorce Laws in Sweden.

ADULTERY on the part of either husband or wife, if not condoned and should no marital relations be resumed after knowledge of the offence, entitles the innocent party to a divorce, the guilty party forfeiting half his or her share in the joint property.

Complaint must be lodged within six months after discovery of the offence, and no divorce will be granted if both parties have committed adultery unless such has previously been condoned. Divorces may also be obtained on the ground of infidelity after betrothal on either side, or if the wife confess to immorality previous to her betrothal, and the husband refuse to condone it, or if either husband or wife suffer from bodily incapacity, or have concealed deliberately the fact of being affected with any incurable contagious disease, or be sentenced to imprisonment for life, or have been found guilty of attempting the life of the other party, or if for three years one of them have been insane and competent physicians declare there is no hope of recovery.

The most usual way, however, of obtaining a divorce is under paragraph 4 of the

Swedish Divorce Act, which enacts that if the husband feels hatred and ill-will towards the wife, or *vice versâ*, and if one of them leaves home with the intention of no longer living with the other and goes out of the kingdom, then the abandoned party may apply for a summons for malicious desertion from the proper Judge. If the absconding party's whereabouts be unknown, the Judge causes a notice to be read from the pulpits of the churches within his jurisdiction, citing the runaway to return within a year and a day to his or her home; if this notice be neglected, a divorce is granted on the expiry of such period, the absconder forfeiting all claims on the joint property.

If, on the other hand, the abode of the absconding party be known, a writ of summons may be at once served on him or her, and the divorce can then be obtained by Judgment within a very short time, depending on the distance of the absconder from the place of jurisdiction. About one week will often suffice.

Where a divorce is granted on the ground of the one party having attempted the life of the other, the guilty party forfeits all share in the joint property; but where insanity is the cause of divorce, each party retains his and her legal share in the joint property; and, moreover, the applicant for the divorce will be still bound to contribute out of his or her means towards the future maintenance of the other party, as well as of the children (if any).

Where a divorce is applied for on the ground of a crime committed by one of the parties, it will not be granted if it is proved that on the expiry of the sentence the parties have lived together again as man and wife.

Divorces may also be applied for by direct appeal to the King in the following cases:—

1. Where one party has been sentenced by a legal Judgment to loss of life or of civil rights, notwithstanding that a Royal pardon has been granted;
2. Where one party has been convicted of any grave crime and sentenced to penal servitude for a term of years; or
3. Has been convicted of prodigality, drunkenness, or a violent temper, or where such differences are proved to exist between the parties as to cause mutual detestation and hatred.

In this last case the parties must have previously received warnings from the Rector of their parish, and, if persisting in their discord, from the superior ecclesiastical authorities. If after such remonstrances the parties remain incorrigible, sentence of separation from bed and board during one year may be pronounced by the Court. At the expiration of that period, and on producing evidence of the preliminary proceedings, the parties may then apply to the King for an actual divorce.

The laws in regard to divorce apply generally to the cases (quoted before) of marriages where no ceremony has taken place, but which are, nevertheless, legal unions.

The approximate cost of obtaining a divorce cannot easily be stated beforehand, as much depends on the grounds which form the plea for such divorce. It can only be stated that in certain cases the costs will amount to next to nothing. For instance, a poor applicant, on proving poverty by a certificate from the proper official, will be liable to no fees to the Court, and may obtain a divorce on the plea of adultery without other expense than that of procuring the necessary evidence. The applicant must be prepared in such case to personally plead his or her cause, as is allowable by law. The cost of bringing forward evidence will also be slight, provided the evidence be satisfactory to the Court and not contested by the other party.

In a case of malicious desertion this applies only to proceedings in Court; the other part of the necessary proceedings will cause some additional expense, depending upon the merits of each case.

Inclosure 4 in No. 39.

Law of Divorce in Norway.

(Translation.)

IN Norway a marriage can be dissolved by sentence of a Court of Law or by Royal Order.

Dissolution of marriage may be pronounced by the former on the following grounds, viz.:—

(a.) When the Public Prosecutor proves—

1. That the marriage has taken place between persons who are related, or who have become connected by marriage within the forbidden degrees. [Marriages between

ascendants and descendants, between brother and sister (whole or half), or marriages with the husband or wife of an ascendant or descendant, or with the ascendant or descendant of a husband and wife, are all forbidden.]

2. That at the time the marriage took place one of the parties was already married.

(b.) When one of the parties prove—

3. That there was wanting the consent of one of the parties at the time of the marriage, *e.g.*, that his or her consent was simply extorted, or given while mentally deranged, or while in an unconscious state.

4. That there existed fraud and error at the celebration of the marriage with regard to one of the following essential points, *viz.* :—

(a.) Error in *personā*, *i.e.*, that the marriage was solemnized with some other person than the one intended.

(b.) That one of the parties was impotent.

(c.) That one of the parties was leprous, or had some other contagious and abominable disease.

A marriage can also be dissolved when of the parties proves against the other—

(d.) Adultery (or an unnatural crime).

(e.) Bigamy.

(f.) *Desertio malitiosa* for three years or more.

(g.) Presumption of death owing to disappearance for three years after some event which makes it reasonable to suppose that the party has perished, or owing to simple disappearance for seven years.

(h.) Condemnation of one of the parties to penal servitude for life, but only after seven years of such penal servitude has been undergone.

A special form of procedure is used in suits for dissolution of marriage. The Court fees are the same as in an ordinary civil process, *viz.*, 1*l.* An advocate need not be employed, nor are witnesses entitled to compensation for loss of time in attending.

When a dissolution of marriage has been pronounced, both parties are entitled to marry again, excepting that if the divorce be pronounced on account of the adultery of one of the parties, the guilty party must obtain the sanction of the King before marrying again. The cost of such a licence to remarry is 2*l.* 4*s.*, but, as a rule, it cannot be obtained for a period of three years after the divorce has been pronounced.

A marriage can, moreover, be dissolved by Royal Decree—

1. When three years have elapsed since a grant to the parties of a judicial separation.

2. When the parties have been actually living separate for seven years, although no judicial separation have been granted.

There are also certain other grounds on which a marriage can be dissolved by Royal Decree.

Royal Decrees dissolving a marriage are obtained without payment of any fee or stamp, but they do not enable either of the parties to marry again. A special licence costing 4*l.* 4*s.* is necessary for this purpose, and such special licence can usually be obtained on proof shown that the party applying for it has been of good conduct during the three years or seven years of separation, as the case may be.

SWITZERLAND.

No. 40.

Mr F. R. St. John to the Earl of Rosebery.—(Received October 16.)

My Lord,

Berne, October 11, 1893.

WITH reference to your Lordship's Circular despatch of the 16th of last month, I have the honour to forward herewith a summary of the Swiss law on marriages, which, as your Lordship will observe, contains considerable restrictions as regards degrees of consanguinity and other conditions of relationship, rendering even an act of adoption a bar to marriage between the parties.

Similarly to our own law, that of Switzerland admits the validity of marriages celebrated abroad in accordance with the *lex loci*, but makes the civil ceremony in Switzerland compulsory, while that of the Church is entirely at the discretion of the parties concerned.

I have, &c.
(Signed) F. R. ST. JOHN.

Inclosure in No. 40.

Summary of the Swiss Marriage Law of December 24, 1874.

THE right to marry is protected by the Confederation.

Marriage cannot be forbidden on grounds either of religion, indigence, previous misconduct of the parties, or for any police reason whatsoever.

Every marriage is valid throughout the Confederation if it has been celebrated in accordance with the *lex loci*, whether in a Canton or abroad.

By marriage a woman acquires the civil or municipal rights of her husband.

Children born before wedlock are legitimized by the marriage of their parents.

No marriage is valid which has been contracted without the free consent of the parties concerned. Coercion, fraud, or error excludes any presumption of consent.

In order to marry, the man must have completed his 18th, the woman her 16th, year of age.

Persons under the age of 20 years cannot marry without the consent of whichever parent is in the exercise of authority as such. Should both parents be dead, consent of the guardian must be obtained; and if the latter refuse to give it, then recourse may be had to the "competent authorities," who may be those of the commune, district, or Canton, according to local regulation.

Marriage is prohibited—

1. If the parties are already married.

2. If there be relations of consanguinity, such as—

(a.) Between ascendants and descendants in all degrees, between brothers and sisters, between uncles and nieces, between aunts and nephews, be their relationship legitimate or otherwise.

(b.) Between persons connected in the direct line, whether ascendant or descendant, between parents and their adopted children.

3. With a lunatic or an idiot.

Widows, divorced women, or women whose marriage has been pronounced null and void cannot marry again before the expiration of a term of 300 days from the day of dissolution of their marriage.

Every marriage celebrated in Switzerland must be previously announced publicly. Such publication must be made in the usual place of abode, as well as in the native place of each party. But if such publication abroad should be there forbidden as unnecessary or contrary to law, then a certificate to such effect, issued by the authorities of the foreign country, will be sufficient.

The public announcement of a marriage ceases to be valid after the lapse of six months.

Previous public announcement can be dispensed with in cases of dangerous illness should permission from the local authorities have been obtained.

If the husband be a foreigner, marriage can only be celebrated on presentation of a document emanating from the authorities of his country, and certifying that such marriage will be there recognized with all its legal consequences.

Marriages are celebrated in the following manner:—

The officiating civil functionary asks each party separately if he (or she) will take the other for wife (or husband), adding that, in consequence of the declaration made by both, he declares them, in the name of the law, to be united by marriage. This ceremony is followed by registration, the signatures of the parties to the marriage and of their witnesses being added.

The religious ceremony can only take place after the legal marriage has been celebrated by the civil functionary, and on production of his certificate to that effect.

The parties must at the moment of their marriage, or within thirty days after it, declare to the officiating civil functionary what children were born before wedlock and thereby become legitimate.

It does not follow, should for any reason such declaration not have been made

within the prescribed time, that the children born before wedlock or their descendants in any way suffer thereby.

There is no fee charged for marrying except a small one to cover expense of publication of the notice of marriage in a local newspaper, and registration.

No hours are fixed by law for the celebration of marriages, which generally take place at noon.

Berne, October 11, 1893.

No. 41.

Mr. F. R. St. John to the Earl of Rosebery.—(Received October 14.)

My Lord,

Berne, October 11, 1893.

WITH reference to your Lordship's Circular despatch of the 16th of last month, I have the honour to inclose herewith a summary of the Swiss Law on Divorce, which, as I am informed in an official quarter, has proved itself far from a success, owing to the facilities it has frequently afforded, on very trivial prettexts, to obtain a dissolution of marriage. It will, in consequence, ere long be remodelled.

As regards the cost of divorce, I have been unable to obtain any information beyond that it varies according to the circumstances of each case and the Canton in which it is pronounced, but I am assured that it is on the whole exceedingly cheap.

I have, &c.

(Signed) F. R. ST. JOHN.

Inclosure in No. 41.

Summary of Swiss Law on Divorce.

ACTIONS for divorce or dissolution of marriage must be brought before the Court of the husband's place of abode, with appeal to the Federal Court if required.

Failing such place of abode within the territory of the Confederation, the action may be brought before the Court of the husband's native place, or of last residence in Switzerland.

When once the action is begun, the Court permits the wife, if she desire, to live away from her husband, and it can order the necessary general measures for the maintenance of the wife and children during the whole period of the trial.

If both parties to the suit are plaintiffs, and circumstances render it necessary, the Court can proceed as above *proprio motu*.

At the request of either party a decree of divorce must be granted—

(a.) For adultery, if not more than six months have elapsed since the injured party became aware of it.

(b.) For an attempt on the life [of the other party], for great ill-usage, or for serious injury.

(c.) For being sentenced to a degrading punishment.

(d.) For wilful desertion during two years after a judicial order to return within six months has remained unheeded.

(e.) For mental derangement after three years' duration, and its being pronounced incurable.

If none of these causes for divorce exist, and there be, nevertheless, circumstances seriously affecting the maintenance of the conjugal tie, the Court shall grant an order of divorce or separation. Such separation cannot be for more than two years. If during such time no reconciliation has taken place, a request for its renewal may be made, and the Court is in that case to decree as it may deem best.

If divorce has been granted on certain special grounds, the party against whom it has been pronounced cannot remarry till after the expiration of a period of twelve months; such period can, if the Court require, be extended to three years, but not longer.

The effect of a sentence of divorce upon those against whom it is pronounced, upon their property, upon the education and instruction of their children, and the damages chargeable to the guilty party, are regulated by the law of the Canton to which the husband belongs.

A marriage contracted without the free consent of one or both the parties, or by coercion, fraud, or mistaken identity of the person, can be annulled at the request of the injured party.

An act of dissolution can, however, not be passed should more than three years have elapsed after the party concerned has discovered the error.

A dissolution of marriage can be granted if entered into in opposition to the Marriage Law.

A marriage celebrated between parties of whom one or neither had attained the required age can be dissolved at the instance either of the father, the mother, or the guardian, unless the parties to the marriage have in the meanwhile attained the required age, or the woman have become pregnant, or the father, mother, or guardian have consented to the marriage.

The dissolution of a marriage celebrated without the consent of parents or guardian, and without the publication of legal notice, can only take place at the instance of those who were entitled to give such consent, and if the parties concerned are still under age.

A marriage contracted in a foreign country according to the *lex loci* can be dissolved only in consequence of a decree to such effect emanating from the authorities of that country in combination with the existence of an infraction of the Swiss law on marriage.

A marriage which has been pronounced null and void remains, nevertheless, valid in so far as regards its civil effect on the parties and their children, whether born of such marriage or legitimized by it, if entered into in good faith on both sides.

If such good faith is shown to have existed only on one side, then the civil rights resulting from the marriage are only acquired by that side as well as by the children.

If there was good faith on neither side, then it is the children alone who benefit by the resulting civil rights.

With regard to marriages between aliens, no action for divorce or dissolution of marriage can take place before Swiss Tribunals unless the State to which the parties belong engage to recognize the sentence given.

Every sentence of divorce or dissolution of marriage must be at once communicated by the Court which pronounces it to the civil authorities of the places of abode and origin of the parties, where an entry to such effect is made in the marriage register of each place.

The parties interested can appeal to the Federal Courts against decisions pronounced by the Cantonal Courts.

Berne, October 11, 1893.

UNITED STATES.

No. 42.

Sir J. Pauncefote to the Earl of Rosebery.—(Received November 13)

My Lord,

Washington, October 31, 1893.

ON the receipt of your Lordship's Circular despatch of the 16th ultimo, I requested Mr. Calderon Carlisle, Legal Adviser to this Embassy, to be good enough to supply me with the information desired by your Lordship respecting the Marriage Laws of the United States.

I have now the honour to inclose copy of the reply which I have received from Mr. Carlisle, together with the Report which it contains on the above subject.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 42.

Mr. Carlisle to Sir J. Pauncefote.

Sir,

Washington, October 27, 1893.

I HAVE the honour to acknowledge the receipt of the Foreign Office Circular, dated the 16th September ultimo, asking for certain information, in a form suitable for presenta-

tion to Parliament, in regard to the Marriage Laws of this country. The fact that this subject is regulated in this country by the laws of forty-four States makes a very wide field of investigation, but through the courtesy of a brother lawyer, who has had occasion to look into the matter, I am enabled to furnish the inclosed Memorandum with which he had favoured me.

I may add that from General Brown's standing and reputation the information given may be relied on as complete and accurate.

I have, &c.
(Signed) CALDERON CARLISLE.

Inclosure 2 in No. 42.

Memorandum as to Marriage Laws in the United States.

IT is extremely difficult to give even an outline of the Marriage Laws prevailing in this country.

This may be attributed to the fact that forty-four sovereign States are combined only for strictly national purposes. Every State retains exclusive control of the matter of the marriage of its citizens, and of all others within its territorial allegiance. There is no national law to regulate marriage, nor can there possibly be without an amendment of the Constitution.

A contrary opinion has sometimes erroneously been held, because Congress has legislated respecting the intermarriage of American citizens abroad, but that was merely as to the requirement of reports to the Department of State for the purpose of evidence. Diplomatic officers, and frequently Consuls, have improperly assumed that all territory within the precincts of the Legation or the shadow of their flag is a portion of the soil of the United States. But our Government has strenuously tried to correct such an error, and frequently has warned our Ministers not to permit ceremonies of marriage to be performed within their residences or Legation precincts unless strictly in accordance with the law of the country where celebrated. It is well known that the American citizen is perfectly satisfied with an ecclesiastical ceremony, or one that seems to be such, not paying the slightest attention to the requirements of the laws respecting civil marriages. (As an instance in point, see "Foreign Relations of the United States" for 1875, pp. 442 *et seq.*, of 150 marriages at the Legation in Paris with the approval of our Ministers Plenipotentiary.)

The records of the Department of State exhibit many hundreds of cases which bear intrinsic evidence of an utter disregard of the laws of the countries in which contracting parties may chance to be when assuming to enter the matrimonial state. Of course such irregular marriages can be, and in many reported cases have been, declared to be utterly void when brought into question in the States to which allegiance was due. France was no more exacting in the case of Jerome Bonaparte and Miss Patterson than are our sovereignties in the case of their citizens in foreign lands.

A careless use of a legal term has been one cause of much evil in respect to the institution of marriage. Jurists and writers have carelessly spoken of marriage as a "civil contract," confounding a mutual promise with the result which created a status created only by the concurrence of three parties—the man, the woman, the State.

The simplicity of the common law of England so long prevailed in many of the older Colonies and States as to make the ceremonies as simple as the old-time affairs at Gretna Green. A recent case in the House of Lords to determine the right to the peerage, founded on a marriage in New York, is an illustration of the simplicity of the law at the time of the Revolution. It is no less so now, except that a record of the ceremony is required to be filed. Yet it is true that in some of the old States the law has attempted to throw safeguards over the solemn act of matrimony, but the most of them are evaded by ingenious lovers. Licences may be required, but the neglect to procure them does not invalidate the marriage, although it may subject officiating clergymen or officers to a penalty.

But in some jurisdictions, as Maryland and the District of Columbia, a marriage cannot legally be performed without a religious ceremony of some sort. But the law has not prescribed the ceremony, or defined the term.

In Massachusetts the Statute required that the officiating clergyman should be a resident, but unfortunately in one instance the marriage was not valid because the clergyman chanced to be domiciled over the State line.

Then among the perplexing technicalities has arisen the question, What does the law

mean by the word "clergyman"? One State may permit whites and negroes to intermarry, while the next neighbour may positively forbid a mingling of the blood of races. Not many years ago Virginia seized a returning couple who had crossed her line to evade the law against miscegenation, instantly annulled the marriage, and condemned the man and woman to several years of imprisonment as felons. Federal Tribunals were appealed to, but nothing could avert the penalty.

It will be observed that in the Table I have included the District of Columbia with the jurisdictions which do not permit the intermarriage of Caucasians and negroes. This is notwithstanding the well-known fact that marriages of the kind have taken place in said District. But the old law of Maryland prevails, and Congress has not interfered therewith.

As to the ages at which a marriage may lawfully be contracted, and as to the prohibitions because of blood, or of affinity, see the Table hereto attached. It is not known to me that a Statute of any of our communities has prescribed the times of day for the performance of the ceremony. As to fees that may be lawfully demanded, sometimes a moderate sum, as a dollar, may be fixed, but generally that is left to spontaneous liberality.

MINIMUM Age required by different States of the Union.

State.	Minimum Age required.		State.	Minimum Age required.	
	Male.	Female.		Male.	Female.
	Years.	Years.		Years.	Years.
Alabama	17	14	Kansas	15	12
Arkansas			Missouri		
Georgia			Montana	21	18
Illinois			Washington		
Arizona	18	16	Colorado*	14	12
Idaho			Connecticut		
Indiana			Delaware		
Michigan			District of Columbia		
Nebraska			Florida		
Nevada			Maine		
New York			Maryland†		
Ohio			Massachusetts		
Wyoming			Mississippi		
California	18	15	New Jersey		
Dakota			Pennsylvania		
Minnesota			Rhode Island		
New Mexico			South Carolina†		
Oregon			Tennessee		
Wisconsin			Vermont		
Iowa	16	14	Kentucky‡		
North Carolina			Louisiana		
Texas			New Hampshire		
			Utah		
			Virginia		
			West Virginia		

* Males, as at common law, with no statutory mention.

† Consent of parents required by females under 16.

‡ Males, with statutory mention.

Licences* are required in the District of Columbia and every State, excepting Dakota, Idaho, New Jersey, New Mexico, New York, South Carolina, and Wisconsin.

* A marriage without a licence is valid, but the person solemnizing it is liable to punishment.

AGE entitled to Licence without Parents' Consent.

State.	Male.	Female.	State.	Male.	Female.
	Years.	Years.		Years.	Years.
Alabama*	21	18	Rhode Island	21	18
Arkansas..			Texas ..		
California..			Utah ..		
Colorado ..			Vermont ..		
Delaware..			Washington ..		
Georgia ..			Wisconsin ..	18	15
Illinois ..			Wyoming ..		
Indiana ..			Dakota ..		
Iowa ..			Connecticut ..	21	21
Maine ..			Florida ..		
Massachusetts			Kentucky ..		
Minnesota ..			North Carolina ..		
Mississippi ..			Pennsylvania ..		
Missouri ..			Virginia ..	21	16
Montana ..			West Virginia ..		
Nebraska ..			Maryland†		
Nevada ..			Arizona†		
New Jersey ..					
New Mexico ..					
Ohio ..					
Oregon ..					

* Parties under 21 must give 200-dollar bonds that no lawful impediment exists.

† Unless parents consent to less, but not under age of consent.

DEGREES of Consanguinity prohibited in the various States.

1. Ancestors, descendants, brothers, sisters, uncles, aunts, nephews, nieces, step-relatives :—

Alabama.	Maryland.	New Hampshire.†	Tennessee.
Connecticut.	District of Columbia.	New Jersey.	Texas.
Delaware.*	Massachusetts.	Pennsylvania.	Vermont.
Iowa.	Michigan.	Rhode Island.	Virginia.
Maine.	Mississippi.	South Carolina.	West Virginia.

2. Same degrees as above, omitting "step-relatives," and adding "first cousins" :—

Arizona.	Illinois.	Montana.	Washington.
Arkansas.	Indiana.	Nevada.	Wyoming.
Dakota.	Kansas.	Ohio.	

Same degrees as mentioned in No. 1, omitting "step-relatives" :—

California.	Louisiana.	Nebraska.	Oregon.
Colorado.	Minnesota.	New Mexico.	Utah.
Idaho.	Missouri.	North Carolina.	Wisconsin.

"Within the Levitical degrees" :—

Florida.
Georgia (adding "and step-relatives").

Ancestors, descendants, brothers, and sisters :—

New York.

* Also great-nephews and great-nieces.

† Also first cousins.

MARRIAGE voided.

State.	By—
Connecticut	Prohibited degrees.
Dakota	Prohibited degrees; bigamy.
Iowa	" " "
Montana	" " "
New Hampshire	" " "
Ohio	" " "
Pennsylvania.. ..	" " "
Vermont	" " "
Nevada	Prohibited degrees; bigamy; also white with negro, Indian, or Mongolian blood.
Kansas	Prohibited degrees.
Maine	Prohibited degrees; bigamy; insane when married; and imprisonment for life.
Wisconsin	Same as Maine.
New York	Prohibited degrees; bigamy; imprisonment for life.
Illinois	" " " insane when married.
Rhode Island.. ..	" " " " "
Wyoming	" " " " "
New Mexico	" " " under age.
California	" " " bigamy; white with negro blood.
Colorado	" " " " "
Delaware	" " " " "
Idaho	" " " " "
Maryland	" " " " "
District of Columbia	" " " " "
Mississippi	" " " " "
Missouri	" " " " "
Indiana	Prohibited degrees; bigamy; white with negro blood, also insane when married.
Nebraska	Same as Indiana.
Alabama	Prohibited degrees; bigamy; white with negro blood and under age of consent
Arkansas	Same as Alabama.
Arizona	Prohibited degrees; white with negro or Mongolian blood; under age of consent.
Georgia	Prohibited degrees; bigamy; under age of consent; insane when married; physically incompetent; white with negro blood; fraud or force.
Kentucky	Same as Georgia, excepting "fraud or force."
North Carolina	Same as Georgia, excepting "fraud or force," and adding "white with negro or Indian, and negro with Indian."
Massachusetts	Prohibited degrees; bigamy; insane when married; under age of consent; without cohabitation.
Michigan	Same as Massachusetts; imprisonment for life; force or fraud.
Minnesota	Prohibited degrees; bigamy; under age of consent.
Montana	Prohibited degrees; bigamy
New Jersey	" " " physically incompetent.
New Mexico	" " " under age.
Oregon	Prohibited degrees; bigamy; white with negro, Indian, or Mongolian.
South Carolina	Prohibited degrees; bigamy; insane when married; white with negro or Indian blood.
Tennessee	Prohibited degrees; bigamy; white with negro.
Texas	Under age of consent; physically incompetent; white with negro.
Utah	Bigamy; white with African or Chinese.
Virginia	Bigamy; under age of consent; without cohabitation; insane when married; physically incompetent; white with negro.
Washington	No legislation up to date.
West Virginia	" "

MARRIAGE Voidable.

State.						
Alabama	..	..	..	..	..	..
Arizona	..	..	..	..	..	..
Colorado	..	..	..	..	..	..
Connecticut	..	..	..	..	..	..
District of Columbia	..	..	..	..	..	..
Florida	..	..	..	..	..	..
Georgia	..	..	..	..	..	..
Illinois	..	..	..	..	..	..
Maine	..	..	..	..	..	..
Maryland	..	..	..	..	..	..
Massachusetts	..	..	..	..	..	..
Mississippi	..	..	..	..	..	..
Missouri	..	..	..	..	..	..
Montana	..	..	..	..	..	..
New Hampshire	..	..	..	..	..	..
New Jersey	..	..	..	..	..	..
North Carolina	..	..	..	..	..	..
Ohio	..	..	..	..	..	..
Pennsylvania	..	..	..	..	..	..
Rhode Island	..	..	..	..	..	..
Tennessee	..	..	..	..	..	..
Arkansas	..	..	Insanity, incapacity; consent obtained by force or fraud.*			
California	..	..	Under age of consent, if no cohabitation since attaining such age; insane or idiot; incapacity; force or fraud; if no voluntary cohabitation; bigamy.			
Dakota	..	..	Same as California.			
Delaware	..	..	Insane or idiot.			
Idaho	..	..	Same as California.			
Indiana	..	..	Under age of consent; insane or idiot.			
Iowa	..	..	"	"	"	"
Kansas	..	..	"	"	"	"
Kentucky	..	..	Under age of consent, if no cohabitation since attaining age; consent obtained by fraud or force.			
Louisiana	..	..	Consent obtained by fraud or force; if no cohabitation before suit; mistake in person.			
Michigan	..	..	Same as California.			
New York	..	..	Same as California, and under age of consent, but only when contracted without consent of parents; force or fraud.			
Minnesota	..	..	Under age of consent, if no cohabitation since attaining such age; insane; force or fraud.			
Nebraska	..	..	Same as Minnesota.			
Nevada	..	..	"	"	"	"
Oregon	..	..	"	"	"	"
Washington	..	..	"	"	"	"
Wisconsin	..	..	"	"	"	"
New Mexico	..	..	Under age of consent.			
North Carolina	..	..	Marriage obtained by fraud or force, if marriage not consummated.			
Texas	..	..	Physical incapacity.			
Utah	..	..	Age of consent, if no cohabitation since that age; force or fraud.			
Vermont	..	..	Same as California, and force or fraud.			
Virginia	..	..	Prohibited degrees; under age; insane; incapacity; white with negro; former spouse living.			
Wyoming	..	..	Same as Indiana, and under age of consent; force or fraud, if parties have not cohabited since.			

* Forced marriage is punishable by death to the male participant.

No. 43.

Sir J. Pauncefote to the Earl of Rosebery.—(Received November 20.)

My Lord,

Washington, November 8, 1893.

WITH reference to my despatch of the 31st ultimo, I have now the honour to inclose herewith a Report drawn up by Mr. Carlisle, Legal Adviser to this Embassy, and compiled from reliable publications to which reference is made, showing the state of the Law of Divorce in the various States of the Union, and enumerating the grounds on which divorce can be obtained, as well as the cost of proceedings.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 43.

Report by Mr. Carlisle on the Divorce Laws of the United States.

IN the United States divorce is a matter which is left wholly to the control of the State and Territorial Legislatures,* and the laws in force differ widely. Ordinarily, neighbouring States have made similar enactments.

South Carolina.

South Carolina stands alone in granting no divorces whatsoever.

Adultery.

Adultery is everywhere cause for divorce. In several of the Southern States,† however, the husband is especially favoured in that as against him proof must be made that he is "living in adultery" at the time of the suit. In Kentucky he must have been so living for six months, while as against the wife in that State mere lewdness of behaviour such as shows her to be unchaste will suffice without evidence of a specific act of adultery. In Louisiana, the husband must have kept a concubine, either openly or in the common dwelling. As against the wife, adultery after marriage is everywhere a sufficient cause, and to this is added in many States the fact of pregnancy at marriage (and in Maryland any adultery previous thereto), provided the husband was ignorant of it in marriage. Subject to a similar provision, Virginia and West Virginia grant divorce where the wife had been a prostitute before marriage, or the husband a notoriously licentious person.

Limitations.

There are usually, however, some limitations upon the injured party's right to sue on grounds of adultery. The right will generally be barred by any (1) procurement, connivance, condonation, or pardon on the part of the plaintiff; (2) by voluntarily living with the defendant after knowledge of the fact; (3) where the plaintiff has also been guilty of adultery;‡ and (4) where the suit is not brought within a certain number of years after the discovery of the offence.§ Similarly, in Iowa, a husband cannot divorce his wife for pregnancy at marriage if he himself have any illegitimate child living.

* Judicial divorces are the common rule. Territorial Legislatures are prevented by Act of Congress, and several State Legislatures (Texas, Arkansas) by their State Constitutions, from granting legislative divorces. Congress legislates for the District of Columbia. (Bishop, vol. i, §§ 155-160.)

† Texas, North Carolina, Kentucky.

‡ New York, Montana.

§ Five years in New York.

Marriage with Accomplice.

After divorce the guilty party is in most States debarred from marrying the accomplice, either (1) at and during the discretion of the Court; (2) for a set term of years; * (3) till the death of the former spouse; or (4) permanently; and in some places loses all claims to dower and inheritance.

Bigamy.

Bigamy is another ground everywhere accepted, and concerning which there are many varying modifications of the law in the different States. In some localities the marriage is void *ab initio*, and the children are illegitimate. In others it is also void, but the children are legitimate if (1) both or (2) one of the parents were ignorant that the former marriage existed. In other States the marriage stands until judicially annulled, and in Tennessee it is declared that if a person has been absent two years, and reported dead, and the spouse has married again, the latter, on reappearance of the former husband (or wife), may choose which marriage he or she desires to abide by.

Impotence.

The third of the causes for which divorce is commonly granted is incurable physical incapacity. The plaintiff must, in general, have been kept ignorant, at the time of marriage, of the defendant's condition, or there will be no remedy, except in cases where impotence arises after marriage through immoral conduct.

Idiocy.

Idiocy is another cause which, subject to the same limitations, is recognized in most of the States, and, in Kentucky, loathsome diseases also, whether concealed at marriage or contracted afterwards, the latter being considered an indication of adultery.

Desertion.

For wilful desertion of either party by the other without good cause† given by the former, for a fixed period‡ immediately preceding the suit, the Courts may everywhere grant divorce, usually absolute, sometimes *a mensâ et thoro* only, and sometimes one or the other, at their own discretion.

The period of desertion must be continuous. A term of imprisonment may in some States be reckoned as a part of it. The deserted party has, in general, no remedy if he or she consented to the separation or refused *bond fide* offers of reconciliation.

Absence.

Where one party is absent, for three years by New Hampshire law, or seven years in Connecticut, and is not heard of in that time, death is presumed, and the spouse may be freed by the Courts.

Neglect to Support.

If the husband, being able, neglect for a certain time§ to support his wife, the latter can, in some States, obtain a divorce; in others¶ she can not. In almost all of them it

* Two years in Massachusetts; five years in Missouri.

† Sometimes explained as such cause as would suffice for divorce.

‡ In fifteen States the term is one year; in eleven States, two years; in twelve States, three years; in three States, five years; in Arizona, six months.

§ Three years in Delaware; two years in Indiana; one year in California, Colorado, Idaho, North and South Dakota, and Oklahoma; and six months in Arizona.

¶ The above-mentioned States; and, in addition, Kansas, Maine, Massachusetts, Michigan, Nebraska, New York, Ohio, Rhode Island, Tennessee, Vermont, and Wisconsin. In some of these (*e.g.*, Wisconsin) the divorce is only *a mensâ et thoro*.

¶ *e.g.*, New Jersey.

may be obtained on proof of the habitual drunkenness of either party for similarly varying terms.* If the habit was contracted before marriage, and the spouse was aware of it at the time of marriage, that will (in Massachusetts, at least) bar action. In Kentucky, drunkenness on the husband's part is not sufficient unless it results in the wasting of his estate and in non-support of the wife.

Use of Opium.

The habitual use of opium, or like drug, is good cause in Massachusetts and Mississippi.

Felony, Infamous Crime, and Imprisonment.

Divorces are granted throughout the greater part of the country against those who after marriage have been convicted of felony, or infamous or unnatural crimes, against such as have fled from justice, and such as have been sentenced to the Penitentiary for life† or for a term of years.‡

In Texas this is refused where the conviction was obtained upon the testimony of the spouse seeking divorce.

In Missouri divorce can be obtained by one who has, without knowledge of the fact, married a person previously convicted of such felony or infamous crime.

Cruelty.

For extreme cruelty, divorce is obtainable in almost all the States, generally *a vinculo*, in some *a mensâ et thoro* only. The degree of cruelty necessary is usually actual and repeated violence endangering life, limb, or health, or giving reasonable grounds to apprehend such danger.

Indignities.

Some States add to this intolerable indignities to the person,§ public and false accusations of adultery,|| habitual manifestations of hatred,¶ and violent and ungovernable temper.**

Threats.

Threats alone are, in general, not sufficient. Condonation, or voluntarily living with the defendant after the acts complained of, will usually, though not universally,†† bar the right of the injured party.

Condonation.

The condonation, however, is only conditional on subsequent good treatment, and in case cause for complaint is again given, the offence formerly condoned may be reasserted as ground.

Provocation.

The conduct of the plaintiff is commonly taken into consideration, and if she or he have given sufficient cause or provocation, the suit will be dismissed.

Among the other miscellaneous offences recognized as cause for divorce in one or more of the States, are: that either party has united with Shakers or other society

* Fixed at three years in Delaware, New Hampshire, Ohio, Texas, and District of Columbia; two years in Illinois; one year in Arkansas, California, Colorado, Massachusetts, Minnesota, Missouri, Montana, Oregon, Wisconsin, Idaho, North and South Dakota, and Oklahoma; and six months in Arizona.

† Connecticut.

‡ Seven years in Alabama; five years in Massachusetts; three years in Vermont, Michigan, and Wisconsin; two years in Georgia and Nebraska; and one year in New Hampshire.

§ Arkansas, Louisiana, Missouri, Oregon, Pennsylvania, Tennessee, Texas, Arizona.

|| Louisiana, North Carolina, Texas, West Virginia.

¶ Texas, Arkansas.

** Florida.

†† Cohabitation after the offence does not so bar divorce in Pennsylvania.

h ich denies the validity of the marriage contract ;* that the husband is a vagrant ;† that the wife has, without good reason, refused sexual intercourse to the husband for the space of twelve months ;‡ that the parties have (without collusion to obtain divorce thereby) lived separate for a number of years ;§ where the Court decides that it is impossible for them to live together in peace and happiness ;¶ and, finally, at the general discretion of the Court.¶

Consanguinity and Affinity.

Marriages are commonly annulled for consanguinity, and sometimes for affinity. Action to annul must be brought during the life of both parties. The degrees of affinity as set forth in the Georgia Code are : a man and his step-mother, mother-in-law, uncle's widow, daughter-in-law, step-daughter, or the granddaughter of his wife, and a woman in the corresponding relationships.

Fraud or Force.

It will furthermore be annulled where the marriage was procured by fraud,** force or duress,†† or where either party was under the marriageable age,‡‡ the parent's consent not having been obtained ; provided always that the marriage has never been consummated by cohabitation nor by consent of the parties after they have reached the proper age.

Difference of Colour.

Lastly, it will be annulled in some States (as in West Virginia) if one of the parties is a negro and the other a white person.

Confessions.

The confession of the defendant is, in general, not accepted in evidence, and the offence must be satisfactorily proved, whether the action is defended or not.

In Louisiana there is a provision that the parties must have been living apart for a year before action can be brought, thus giving an opportunity for reconciliation.

Alimony.

Alimony is allowed, after divorce, to the wife where she was the plaintiff ; and even where she was the guilty one the Courts of most States will set apart a proper allowance for her out of her husband's estate if she is without property of her own.

In some States it is further provided that a like allowance is to be made to her *pendente lite*.§§ The husband must provide her with necessaries during suit, including protection, even against himself.

Costs.

Generally he must pay the taxed costs of the suit and also of collateral proceedings as for alimony in case he is the defeated party. If the wife be defeated, the Courts will not

* Massachusetts, New Hampshire, Kentucky.

† Texas.

‡ North Carolina.

§ Four years in Mississippi ; five years in Wisconsin and Kentucky.

¶ Iowa.

¶ Illinois.

•• The intoxication of one of the parties during the marriage ceremony will not be ground for annulment in Delaware.

†† The plaintiff must, in New York, bring suit within six years of discovering the fact.

‡‡ Delaware and New York : males, 18 ; females, 16. North and South Dakota : males, 18 ; females, 15. Virginia and West Virginia : males, 14 ; females, 12.

§§ New York (sparingly granted, and only to be sufficient for wife's actual wants), Iowa, Georgia, Kentucky, New Jersey, Pennsylvania, Maryland, Texas, Arkansas, Louisiana, California, Illinois (subject to various limitations as regards the *prima facie* strength of the wife's case, whether or not she has property, &c.). Alimony *pendente lite* not granted in Vermont.

ordinarily make her liable for the husband's costs,* and in some States the husband is still liable for all costs. If he, however, has let the suit go by default, or if, being the defendant, he has not sufficient property, he cannot be forced to pay, though, if he is the plaintiff, inability to provide for the wife's costs will usually bar his suit. He is not obliged to furnish suit-money to the wife to any unreasonable extent, nor if she has means of her own.

General References.

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Brown, W. H.—"Digest of Statutes, Decisions, and Cases throughout the United States upon Divorce and Alimony." Kay and Bros., Philadelphia. 1872. "Causes of Divorce," pp. 1-119.

Hubbell.—"Hubbell's Legal Directory." 1893. New York.

Cost of obtaining Divorces.

In some jurisdictions in the United States it is popularly said that the cost of obtaining divorce is 100 dollars; this sum including Court costs, examiner's fee, and counsel fees. This is, however, where the cause for divorce is on the simplest ground, and can be proved by two or three witnesses. Where much evidence has to be taken, and respectable counsel are engaged for both parties, the cost is very much greater. It is impossible, however, to give any reliable estimate as to the cost, because that is a matter that depends largely on the particulars of each case, and the course of its proceedings. Clerk's costs usually begin with a deposit of about 10 dollars to cover docketing and ordinary preliminary proceedings, but the course of the pleadings may require hearings on demurrer and the like. In most jurisdictions the case is referred to an examiner designated by the Court to take the testimony, neither party being permitted to suggest the name of an examiner. The examiner's fees for this service are usually 25 cents per folio. If the matter be appealed to the higher Courts (in some jurisdictions the appeal may go through two Appellate Courts), records and briefs have to be printed, which adds largely to the cost. In addition, in such cases the Court costs are much increased, and counsel receive additional compensation.

* Though, if she sue by her next friend, the latter will be liable for husband's costs, if defeated.



MARRIAGE LAW (FOREIGN COUNTRIES AND COLONIES).
DIVORCE LAW (FOREIGN COUNTRIES AND COLONIES).

RETURN (in part) to Two Addresses of the Honourable The House of Commons,
dated 7 September 1893;—for,

“RETURN giving an Outline of the Marriage Laws prevailing in the most important Foreign Countries and Colonies; especially the Ages at which Marriage can be contracted, the Laws of Prohibition, the Hours in which the Ceremony can be performed, and the Fees charged;”

and

“RETURN showing the state of the Law on Divorce in the most important Foreign Countries and Colonies; especially the Grounds on which Divorce can be obtained, and the Cost.”

(In continuation of [H. C. 144, 145] of June 1894, and [c. 7391]).

PART 3.—CANADA.

Colonial Office, }
22 August 1894. }

SYDNEY BUXTON.

(*Mr. Henniker Heaton.*)

Ordered, by The House of Commons, to be Printed,
23 August 1894.

L O N D O N :
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
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LIST OF PAPERS.

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		1893:		
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RETURN giving an Outline of the Marriage Laws prevailing in the most important Foreign Countries and Colonies; especially the Ages at which Marriage can be contracted, the Laws of Prohibition, the Hours in which the Ceremony can be performed, and the Fees charged; and

RETURN showing the state of the Law on Divorce in the most important Foreign Countries and Colonies; especially the Grounds on which Divorce can be obtained, and the Cost.

PART 3.—CANADA.

— No. 1. —

The Marquess of *Ripon* to the Governors of Colonies under Responsible Government.

(Circular.)

Sir, Downing Street, 16 September 1893.

I HAVE the honour to inform you that Addresses have been presented by the House of Commons to Her Majesty, on the motion of Mr. Henniker Heaton, for a "Return giving an Outline of the Marriage Laws prevailing in the most important Foreign Countries and Colonies; especially the Ages at which Marriage can be contracted, the Laws of Prohibition, the Hours in which the Ceremony can be performed, and the Fees charged;" and also for a "Return showing the state of the Law on Divorce in the most important Foreign Countries and Colonies; especially the Grounds on which Divorce can be obtained, and the Cost;" and I have to request that you will move your Ministers to furnish me, at their earliest convenience, with Memoranda giving the information desired in these Returns, so far as it relates to the Colony under your Government.

I have, &c.

(signed) *Ripon*.

C A N A D A.

— No. 2. —

The Earl of *Aberdeen* to the Marquess of *Ripon*.*

(Received 21st August 1894.)

CANADA.

My Lord,

Halifax, Nova Scotia, 9 August 1894.

WITH reference to your Lordship's Circular Despatch of the 16th September last, asking to be supplied with a Memorandum giving an outline of the marriage laws prevailing in Canada, I have the honour to transmit, herewith, a copy of an approved Minute of the Privy Council, submitting an outline of the Statutory law of the several Provinces of Canada and of the North West Territories, of the marriage laws of the several provinces, and also a pamphlet on Parliamentary Divorce in Canada, together with a memorandum respecting the Divorce Courts existing in the Provinces of Nova Scotia, New Brunswick, Prince Edward Island, and British Columbia.

I have, &c.

(signed) *Aberdeen*.

9 July 1894.

* For the replies of other Colonies, see H. C. Paper 144, 145, June 1894.

Enclosure in No. 2.

EXTRACT from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 9th July 1894.

THE Committee of the Privy Council have had under consideration a Circular Despatch, dated 16th September 1893, from the Marquess of Ripon, asking to be supplied with a Memorandum giving an outline of the marriage laws prevailing in Canada, especially the ages at which marriages can be contracted, the laws of prohibition, the hours at which the ceremony can be performed, and the fees charged; and also for a Return showing the state of the law on divorce in Canada, especially the grounds on which divorce can be obtained, and the cost.

The Minister of Justice, to whom the matter was referred, submits, herewith, an outline of the statutory law of the several provinces of Canada and of the North West Territories, giving an outline of the marriage laws of the several provinces, and also a pamphlet on Parliamentary Divorce in Canada, together with a Memorandum respecting the Divorce Courts existing in the Provinces of Nova Scotia, New Brunswick, Prince Edward Island, and British Columbia.

The Committee, on the recommendation of the Minister of Justice, advise that your Excellency be moved to forward copies thereof to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(signed) *John J. McGee,*
Clerk of the Privy Council.

AN OUTLINE OF THE MARRIAGE LAWS OF THE DOMINION OF CANADA.

DOMINION OF CANADA.—MARRIAGE LAWS APPLICABLE TO ALL CANADA.

45 Vict. c. 42. An Act Concerning Marriage with a Deceased Wife's Sister.

(Assented to 17th May 1882.)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Repeal of prohibition. Retroaction of repeal

1. All laws prohibiting marriage between a man and the sister of his deceased wife are hereby repealed, both as to past and future marriages, and as regards past marriages, as if such laws had never existed.

Cases decided or pending, certain vested rights saved, &c.

2. This Act shall not affect in any manner any case decided by, or pending before, any court of justice: nor shall it affect any rights actually acquired by the issue of the first marriage previous to the passing of this Act: nor shall this Act affect any such marriage when either of the parties has afterwards, during the life of the other, lawfully intermarried with any other person.

53 Victoria, c. 36.

The Act 53 Victoria, c. 36, transcribed below, is "An Act to amend an Act concerning Marriage with a Deceased Wife's Sister."

(Assented to 16th May 1890.)

Preamble 45 Vict. c. 42.

Whereas, by an Act passed in the Forty-fifth year of her Majesty's reign, chapter forty-two, intituled "An Act concerning Marriages with a Deceased Wife's Sister," all laws prohibiting a marriage between a man and his deceased wife's sister were repealed; and whereas it is desirable likewise to remove all prohibition

prohibition against marriage between a man and his deceased wife's sister's daughter; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

CANADA.

1. All laws prohibiting marriage between a man and the daughter of his deceased wife's sister, when no law relating to consanguinity is violated, are hereby repealed, both as to past and future marriages, and as regards past marriages, as if such laws had never existed.

Repeal of
prohibition.
Retroactive.

2. This Act shall not affect, in any manner, any case decided by or pending before any court of justice; nor shall it affect any rights actually acquired by the issue of the first marriage previous to the passing of this Act, nor shall this Act affect any such marriage when either of the parties has afterwards, during the life of the other, intermarried with any other person lawfully.

Saving clause.

OUTLINE OF MARRIAGE LAWS.—PROVINCE OF ONTARIO.

Chapter 131, Rev. Statutes of Ontario, 1887 (vol. I., page 1243), containing 22 sections, is "An Act respecting the Solemnization of Marriages" in the province of Ontario.

Section 1, as amended, reads:

"The ministers and clergymen of every church and religious denomination duly ordained or appointed according to the rites and ceremonies of the churches or denominations to which they respectively belong, and resident in Canada, may, by virtue of such ordination or appointment, and according to the rites and usages of such churches or denominations respectively, solemnize the ceremony of marriage between any two persons not under a legal disqualification to contract such marriage.

Ministers of any
denomination may
solemnize marriages.

2. "No minister or clergyman shall celebrate the ceremony of marriage between any two persons, unless duly authorized so to do by licence under the hand and seal of the Lieutenant Governor, or his deputy duly authorized in that behalf, or by a certificate under this Act, or unless the intention of the two persons to intermarry has been proclaimed once, openly and in an audible voice, either in the church, chapel, or meeting house in which one of the parties has been in the habit of attending worship, or in some church, chapel, meeting house or place of worship of the congregation or religious community with which the minister or clergyman who performs the ceremony is connected, in the local municipality, parish, circuit or pastoral charge, where one of the parties has, for the space of fifteen days immediately preceding, had his or her usual place of abode; such proclamation to be on a Sunday, immediately before the service begins, or immediately after it ends, or at some intermediate part of the service."

No minister to
solemnize marriage
unless authorized by
licence or certificate
or after publication
of banns.

3. A certificate in the form given in Schedule A. or Schedule B. to this Act (according to the circumstances of the case) may, at the option of the applicant, be substituted for a marriage licence; and such certificate shall have the same legal effect as a licence.

Certificate instead
of licence.

Section 4 in substance provides for the issue of licences and certificates from the office of the Provincial Secretary, the same to be furnished to persons requiring them by such persons as the Lieutenant Governor in Council may nominate.

Licences and
certificates to be
issued by Provincial
Secretary.

Section 5 provides that every licence executed under the hand and seal of the Lieutenant Governor, or his deputy authorized, and every certificate signed by the Provincial Secretary, or Assistant Provincial Secretary for the purpose of solemnizing a marriage, shall be and remain valid, notwithstanding their vacation of office before the time of the issue of the licence or certificate.

Licences signed by
official persons valid
notwithstanding
their offices vacated.

Section 6 reads: "If any person issues any licence or certificate for the solemnization of marriage without being authorized by the Lieutenant Governor in Council in that behalf, unless under the authority in the next Section contained, he shall forfeit to Her Majesty the sum of 100 dollars for every licence or certificate so issued."

Unauthorized
persons issuing
licences to be
subject to a fine.

CANADA.

Section 7, having four Sub-sections, reads :

Deputy issuers may be appointed. " 7. (1) Any issuer of marriage licences or certificates may, with the approval, in writing, of the mayor or reeve of the city, town, township, or incorporated village wherein he resides, from time to time, when prevented from acting by illness or unavoidable accident, or where his temporary absence is contemplated, appoint, by writing under his hand, a deputy to act for him."

Powers.

" 2. The said deputy shall, while so acting at the residence or office or place of business of the said issuer for whom the deputy acts, possess the powers and privileges (as to administering necessary oaths and otherwise) of the issuer appointing him.

Appointment of deputy to be certified to Provincial Secretary.

" 3. The issuer shall, upon appointing a deputy, forthwith transmit to the provincial secretary a notice of the appointment, and of the cause thereof, and of the name and official position of the person by whom the appointment has been approved, and the Lieutenant Governor may at any time annul the appointment."

Where no mayor.

" (4.) In case it is necessary on account of illness, unavoidable accident, or contemplated temporary absence of an issuer of marriage licences, to appoint a deputy, and there is no mayor or reeve to give the consent required by the provisions of Sub-section 1 of this section, such issuer of marriage licences may, in the manner in other respects required by said sub-section, but without such consent, appoint such deputy ; and the licences on certificates issued by such deputy shall be deemed to authorise the solemnization of marriages at the same places as licences or certificates issued by the principal for whom such deputy acts ; and no irregularity in the appointment of a deputy issuer shall affect the validity of a licence or certificate by him issued."

How deputies to sign licences.

Section 8. Every deputy so appointed shall sign each licence and certificate issued by him with the name of his principal as well as his own name in the following manner :—"A.B., Issuer of Marriage Licences, per C.D., Deputy issuer," or to the like effect ; but no irregularity in the issue of a licence or certificate issued by an issuer or deputy issuer to any person or persons obtaining the same, or acting thereon in good faith, shall invalidate a marriage solemnized in pursuance thereof.

Unissued licences to be returned when required.

Section 9. Every issuer of licences or certificates aforesaid, or any other person having unissued licences or certificates in his possession, power, custody, or control, shall whenever required so to do transmit to the Provincial Secretary every such licence or certificate, and the property in all unissued licences and certificates shall be and remain in Her Majesty.

Expense of providing licences.

Section 10. All expenses incident to providing licences and certificates shall be paid by the issuer of the licences and certificates.

Section 11 (consisting of four sub-sections) reads :—

11. (1) Before any licence or certificate is granted by any issuer or deputy issuer, one of the parties to the intended marriage shall personally make an affidavit which shall state—

(a) In what county or district it is intended that the marriage shall be solemnized, and in what town, village, or place in the county or district, and

(b) That he or she believes that there is no affinity, consanguinity, pre-contract, or other lawful cause, or legal impedient, to bar or hinder the solemnization of the marriage ;

(c) That one of the parties has for the space of 15 days immediately preceding the issue of the licence or certificate had his or her usual place of abode within the county or judicial district in which (for either municipal or judicial purposes) the local municipality in which the marriage is to be solemnized lies ;

(d) (Or if the county or district in which it is intended that the marriage shall be solemnized is not that in which either of the parties has

has, for the space of 15 days immediately preceding the issue of the licence or certificate had his or her usual place of abode), that the reason of procuring the marriage to be solemnized in such place is not in order to evade due publicity or for any other improper purpose.

CANADA.

Affidavit by party before licence or certificate is granted.

(2) In case either of the parties, not being a widower or widow, is under the age of 21 years, the affidavit shall further state that the consent of the person whose consent to the marriage is required by law has been obtained thereto.

3. If there is no person having authority to give such consent, then, upon oath made to that effect by the party requiring the licence or certificate, it shall be lawful to grant the licence or certificate, notwithstanding the want of any such consent.

4. The affidavit may be in the form set forth in Schedule C. to this Act, and may be made before the issuer of licences or his deputy.

Section 12. In case the person having authority to issue the licence or certificate has personal knowledge that the facts are not as Section 11 of this Act requires, he shall not issue the licence, or certificate; and if he has any reason to believe or suspect that the facts are not as aforesaid, he shall, before issuing the licence or certificate, require further evidence to his satisfaction in addition to the said affidavit, or deposition.

Issuer having personal knowledge or reason to suspect that affidavit is untrue.

Section 13. The father, if living, of any party under 21 years of age (not being a widower or widow) or if the father is dead the guardian or guardians of the person of the party so under age lawfully appointed, or one of the guardians, if there are more than one; or in case there is no such guardian, then the mother of the minor, if the mother is unmarried, shall have authority to give consent to the marriage.

Persons whose consent to marriage of a minor is to be obtained.

Section 14. No fee shall be payable for any licence or certificate, except the sum of two dollars, which the issuer of the licence or certificate shall be entitled to retain for his own use; but the Lieutenant-Governor in Council may from time to time reduce the sum payable.

Fees.

Section 15. It shall not be a valid objection to the legality of a marriage that the same was not solemnized in a consecrated church or chapel, or within any particular hours.

No valid objection as to not being solemnized in a church or chapel, or within any particular hours.

Section 16. Every clergyman or minister who celebrates a marriage, shall, if required at the time of the marriage by either of the parties thereto, give a certificate of the marriage under his hand, specifying the names of the persons married, the time of the marriage, and the names of two or more persons who witnessed it, and specifying also whether the marriage was solemnized pursuant to licence or certificate under this Act, or after publication of banns; and the clergyman or minister may demand twenty-five cents. for the certificate given by him from the person requiring it.

Ministers to give certificate if required.

Fee for certificate.

Section 17. Every clergyman or minister shall, immediately after he has solemnized a marriage, enter in a book, to be kept by him for the purpose, a true record of the marriages, which record shall specify all the particulars given in Schedule B. to the Act respecting the registration of births, marriages, and deaths.

Minister's record of marriages.

Rev. Stats. of Ont. C. 40 referred to.

Section 18 directs that Clerks of the Peace are to furnish books and printed forms to clergymen on demand, and at the county's expense; and that such books shall have columns and headings according to the form of said Schedule B.; and that the books are to be of the size and form to conveniently admit of the necessary entries being made therein.

Clerks of the Peace to furnish suitable books and printed forms at the county's expense.

Section 19 directs that said books, &c. shall be the property of the church or denomination to which the "clergyman or minister, clerk or secretary, belongs at the time of the first marriage which he records therein."

Said books, &c. to be property of the church to which clergyman belongs.

Section 20 is repealed by Section 2 of Chapter 23, 1891, and a new section substituted, reading:—

"Every marriage duly solemnized according to the rites, usages, and customs of the religious society of Friends, commonly called Quakers, shall

Marriages in Society of Friends; Rev. Stats. c. 131, and Rev. Stats. c. 40 referred to.

CANADA.

be valid, and all the duties imposed by the Act respecting the solemnization of marriages, or by the Act respecting the registration of births, marriages, and deaths, upon a minister and clergyman shall, with regard to such marriage, be performed by the clerk or secretary of the society, or of the meeting at which the marriage is solemnized. Provided always that nothing herein contained shall be construed as requiring the marriage to be celebrated or solemnized by such clerk or secretary."

Marriages of
"Disciples of
Christ."

Section 21. (1.) This Act shall be deemed to apply to the churches or congregations of religious people commonly called or known congregationally as "Congregations of God," or of Christ, and individually as "Disciples of Christ," and any elder, evangelist, or missionary, for the time being of any church or congregation, who, from time to time, is chosen by any such congregation for the purpose of the solemnization of marriages, shall be deemed to have, for the time being, the authority of a minister or a clergyman under this Act and within the meaning thereof.

Revised Statutes of
Ontario, c. 40
referred to.

(2.) All the duties imposed upon, and rights given to, ministers and clergymen by this Act, or by the Act respecting the registration of births, marriages and deaths, are hereby imposed upon and given to such elders, evangelists, or missionaries as aforesaid.

Licence to protect
minister from
damages where he is
unaware of the
impediment.

22. No minister who performs a marriage ceremony after banns published, or after a license or a certificate under this Act issued, shall be subject to any action or liability for damages or otherwise by reason of there being any legal impediment to the marriage, unless at the time when he performed the ceremony he was aware of the impediment.

The above comprises Chapter 131 of the revised Statutes of Ontario, 1887, as expressly amended, at least substantially, except the Schedules appended thereto. Appended to the said chapter is a Schedule A. for the purpose of Section 3 of the Act. Also a Schedule B. for the purpose of said Section 3. Appended to the Act is also a Schedule C. for the purpose disclosed in Sub-section 4 of Sub-section 11 of the said Act.

The transcript of sections made above does not give the reference as to the revised Statutes of Ontario for 1877, from which said sections were nearly all copied into said Chapter 131 R.S. of Ontario, 1887. As will appear when one section of said Chapter 131 was expressly amended, and another was replaced, by subsequent legislation. And Section 21, as well as Sub-section 2 thereof, were copied into said Chapter 131, from Section 2, cap. 11, 46 Vict.

The amendments made in said Chapter 131 were made by Chapter 20, 1888, and Chapters 23, 1891, Ontario Statutes.

Section 1, Chapter 20, 1888, amends Section 1 of Chapter 131 aforesaid to read as above transcribed, the word "Canada" being substituted for the word "Ontario."

Certain marriages
confirmed.

Section 2, Chapter 20, 1888, legalises any marriages solemnized before the passing of said Act of 1888 by "clergymen or ministers duly ordained or appointed as such according to the rites and ceremonies of the churches to which they belong" (in the absence of any legal impediment), "so far as respects the civil rights in this Province of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the clergyman or minister was not at the time a resident of this Province."

Proviso.

"Provided that the parties thereafter lived together, and cohabited as man and wife, and that the validity of the marriage has not hitherto been questioned in any suit or action; and, provided further, that nothing in this Act shall make valid any such marriage in case either of the parties thereto has since contracted matrimony according to law; and in such a case the validity of the marriage by a non-resident clergyman or minister shall be determined as if this Act had not been passed."

Chapter 23, 1891, has reference principally to marriages in the "Society of Friends, commonly called Quakers," and to marriages in the "Salvation Army." Said Chapter 23 has five sections, the first simply giving the title of the Act.

Section 2 has already been noticed as substituting another Section for Section 20 of Chapter 131 (the principal Act).

Section 3 reads: "Any marriages, which, before the passing of this Act have been solemnized in this Province, according to the rites, usages, and customs of the religious Society of Friends, commonly called Quakers, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid marriages, so far as respects the civil rights in this Province of the parties, or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature. Provided that the parties thereafter lived together and cohabited as man and wife, and that the validity of the marriage has not hitherto been questioned in any suit or any action before the 10th day of February 1891, and,

Marriages heretofore solemnized in Society of Friends.

Proviso.

Provided further, that nothing in this Act shall make valid any such marriage, in case either of the parties thereto has since contracted matrimony according to law; and in such case the validity of the marriage shall be determined as if this Act had not been passed.

Proviso.

Section 4. Whereas it appears that in the religious society called the Salvation Army there are official persons known as commissioners and staff officers, whose position and duties in the said society are substantially the same as those of clergymen and ministers in the churches and religious denominations mentioned in the first section of the Act respecting the solemnization of marriages, the said Act and the Act respecting the registration of births, marriages, and deaths, shall hereafter apply to the said religious society; and any duly appointed commissioner or staff officer of the society, being a man chosen as commissioner by the said society to solemnize marriages, and resident in Canada, shall have, for the time being, the same authority for that purpose as a clergyman or minister under the said Act.

Marriage in Salvation Army.
C. 131 Rev. Stats. referred to.
Rev. Stats. c. 40 referred to.

(2.) All the duties imposed upon, and rights given to, clergymen and ministers by the said Acts are hereby imposed upon and given to such commissioners and staff officers aforesaid.

Section 5. The word "pre-contract" in the Act respecting the solemnization of marriages, and in the Schedules thereto, means, and has always meant, "prior marriage," and the words "prior marriage" may be substituted for the word "pre-contract" in any affidavit or bond hereafter made or entered into under the said Act.

Meaning of "pre-contract" in Rev. Stats. c. 131

A reference to Chapter 40 Revised Statutes of Ontario, so far as affecting the marriage laws of Ontario.

Chapter 40 of the Revised Statutes of Ontario, 1887, provides for the "Registration of Births, Marriages, and Deaths."

The second section of said Chapter 40, being the first one that has any relation to marriage, makes the Provincial Secretary Registrar General of the Province for the purposes of the Act.

Provincial Secretary to be Registrar General.

Section 3 provides for registration divisions and division registrars.

Registration Divisions and Division Registrars.

Section 4 makes a special provision for the appointment of division registrars in the existing districts of Algoma, Nipissing, Thunder Bay, Rainy River, Muskoka and Parry Sound, and "also any territorial districts hereafter formed," pending the forming of municipal organisations. (*See marginal note.*)

Lieut.-Governors to appoint Division Registrars in certain districts and make necessary rules and regulations by Order in Council.

Section 5 directs that the Registrar General shall procure the necessary forms for the division registrars, to be prepared according to Schedules A., B., and C., appended to the Act, the expense of distribution to be a charge on the Consolidated Revenue Fund of the Province.

Forms for Registrars.

Section 6 provides for records being made by division registrars, and for the half-yearly returns to the Registrar General required to be made.

Returns, &c.

Section 7 directs that every clergyman, teacher, &c., authorised by law to baptise, marry, or perform the marriage service in Ontario shall keep a registry of baptisms, marriages, and deaths.

Registry of marriages.

CANADA.

Particulars as to marriage to be furnished.

Section 13 directs that every person authorized by law to celebrate marriage shall report every marriage he celebrates to the registrar of the division within which the marriage is celebrated, within 90 days from the date of the marriage, with the particulars required by Schedule B. appended to the Act, blank forms of which and schedule shall be furnished to every such person by the division registrar of the division within which he resides.

Correction of errors within one year and report to Registrar General.

Section 20 provides for the correction of errors in registration by the division registrar and Registrar General.

Penalty on Registrar for neglect of duty.

Section 21 provides for a penalty of 50 dollars for refusal or neglect on the part of a division registrar, conviction to be before any justice of the peace, and County Crown Attorney in such county to prosecute, when notified by the Registrar General, inspector, or other parties.

Custody of returns.

Section 22 provides for the keeping and arranging, &c., of returns by the Registrar General in his office.

Searches and extracts, fee for certificate, 50 cents.

Section 23 entitles the public to a search of records, and to certified extracts (duly certified by the Registrar General or inspector), which shall be evidence of the entries certified, and *prima facie* evidence in any Court in this Province, of the facts therein stated, the fee for certificate being 50 cents.

Annual report by Registrar-General.

Section 24 directs that the Registrar General shall annually distribute, for the use of the Legislature, a full report of the births, marriages, and deaths of the preceding year.

Inspector.

Section 26 provides for the appointment of an inspector of registration offices.

Penalty for false statement.

Section 27: A penalty of 40 dollars is provided by Section 27 against any person for a false statement as to any of the particulars required to be reported or entered under the Act.

Penalty for neglect to report.

Section 28 provides a penalty of not less than one dollar nor more than 20 dollars and costs, in the discretion of the presiding justice, for any refusal or wilful neglect to report, and makes it also the duty of the division registrars to prosecute, the limitation as to prosecution being two years. The return being made by any one of the persons required to make it removes any further liability for penalty.

Procedure.

Section 29 regulates the procedure on complaints.

Fees to registrars.

Section 30, the last, provides for the remuneration of the division registrar a fee of 10 cents for each birth, marriage, and death registered by him. Every municipality in the Province is to pay at this rate, the inspector first certifying as to the registration.

Schedules are appended to said Chapter 40 for the purposes set forth in the Act.

MARRIAGE LAWS.—PROVINCE OF QUEBEC.*

(1.) Marriage, Solemnization of Civil Status, &c.—Article 57 of the Civil Code of Lower Canada (Quebec) reads:

A certificate of publication of banns must be furnished to the officer before he solemnizes a marriage, unless he has himself published them.

57. Before solemnizing a marriage, the officer who is to perform the ceremony must be furnished with a certificate establishing that the publication of banns required by law has been duly made, unless he has published them himself, in which case such certificate is not necessary.

Particulars of foregoing certificate.

58. This certificate, which is signed by the person who published the banns, mentions, as do also the banns themselves, the names, surnames, qualities or occupations and domiciles of the parties to be married, and whether they are of age or minors; the names, surnames, occupations and domiciles of their fathers and mothers, or the name of the former husband or wife. And mention is made of this certificate in the Act of Marriage.

59. The

* Marginal notes, where not originally supplied, are supplied by the person transcribing or summarizing.

59. The marriage ceremony may, however, be performed without this certificate, if the parties have obtained and produce a dispensation or licence from a competent authority, authorising the omission of the publication of banns.

CANADA.

Certificate not necessary in case of dispensation or licence.

Amendment:

1. In so far as regards the solemnization of marriage by Protestant Ministers of the Gospel, all marriage licences shall be issued from the office of the Provincial Secretary, under the hand and seal of the Lieutenant Governor, who, for the purposes of such licences, shall be the competent authority under Article 59 of the Civil Code.

In case of solemnization by Protestant Ministers, licences to issue, &c.

2. In so far as regards the solemnization of marriage by Protestant ministers aforesaid, no marriage licence issued in any other manner, or from any other authority, shall be necessary.

No other licence necessary in the case of solemnization by Protestant ministers.

3. The licences issued under this Act shall be furnished by such persons as the Lieutenant Governor in Council shall name for that purpose, to all persons requiring the same, who shall previously have given bond, together with two sureties being householders, and in the form appended to this Act.

Licences furnished by whom and to whom.

4. Every person furnishing such licences shall, for every licence, receive from the person requiring the same, the sum of eight dollars, out of which sum he shall retain for himself such portion, not exceeding two dollars, as the Lieutenant Governor shall allow, and he shall pay over the remainder of the said sum to the Treasurer of the Province, at such time or times as the said treasurer shall direct.

Fee for licence and how appropriated.

5. The sums so paid over to the Treasurer shall be by him paid over annually, at such time and in such manner that the same shall be apportioned among the Protestant institutions of superior education, by the Minister of Public Instruction, under authority of the Lieutenant Governor in Council, in addition to and in the same manner as any sums or aid granted by law for the purposes of Protestant superior education in this province.

Payment over of receipts by Treasurer annually to Minister of Public Instruction, and how appropriated by the latter.

6. No minister who has performed any marriage ceremony under the authority of a licence issued under this Act shall be subject to any action or liability for damages or otherwise by reason of there being any legal impediment to the marriage, unless at the time when he performed such ceremony he was aware of the existence of such impediment.

No liability of minister unless, &c.

7. This Act shall come into force on the 1st of July, 1872, and not before, Q. 35 Vict. c 3.

Coming into force of the Act.

60. If the marriage be not solemnized within one year from the last of the publications required, they are no longer sufficient, and must be renewed.

Publications to be renewed in cases.

61. In the case of an opposition, the disallowance thereof must be obtained and be notified to the officer charged with the solemnization of the marriage.

Notice to official of disallowance of opposition.

62. If, however, the opposition be founded on a simple promise of marriage, it is of no effect, and the marriage is proceeded with as if no such opposition had been made.

An opposition founded on simple promise does not impede marriage.

63. The marriage is solemnized at the place of the domicile of one or other of the parties. If solemnized elsewhere, the person officiating is obliged to verify and ascertain the identity of the parties. For the purposes of marriage, domicile is established by a residence of six months in the same place.

Marriage where solemnized verified as to identity of parties if elsewhere solemnized. Domicile obtained.

64. The act is signed by the officer who solemnizes the marriage, by the parties, and by at least two witnesses present at the ceremony, and if any of them cannot sign, their declaration to that effect is noted.

Legal requirements.

65. In this Act are set forth :—

Particulars required.

1. The day on which the marriage was solemnized.

2. The names, surnames, quality or occupation and domicile of the parties.

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parties married, the names of the father and mother of each, or the name of the former husband or wife.

3. Whether the parties are of age, or minors.

4. Whether they were married after publication of banns, or with a dispensation or licence.

5. Whether it was with the consent of their father, mother, tutor or curator, or with the advice of a family council, when such advice or consent is required.

6. The names of the witnesses, and whether they are related or allied to the parties, and if so, on which side, and in what degree.

7. That there has been no opposition, or that any opposition made has been disallowed.

Quebec.

Chapter First.—Of the qualities and conditions necessary for contracting marriage.

Article 115 of the Civil Code of Lower Canada (Quebec) reads:—

Minimum of age for marriage contract.

115. A man cannot contract marriage before the full age of fourteen years, nor a woman before the full age of twelve years.—Pothier, Marriage, No. 94; Institutes, *nuptiss*, 3 Paur, Franc, p. 139; Dard, Sur art. 144; C.N., 144 (I. 285.)

(Hereafter the references concluding articles as in last will be omitted, wherever added.)

Consent indispensable.
Nullity.

116. There is no marriage when there is no consent.

117. Impotency, natural or accidental, existing at the time of the marriage, renders it null; but only if such impotency be apparent and manifest.

Who can invoke this nullity, and the limitation thereto.

This nullity cannot be invoked by any one but the party who has contracted with the impotent person, nor at any time after three years from the marriage.

Dissolution must precede a second marriage.

118. A second marriage cannot be contracted before the dissolution of the first.

Parents' consent in case of minors.
Father's will to prevail as to consent.

119. Children who have not reached the age of twenty-one years must obtain the consent of their father and mother before contracting marriage; in case of disagreement the consent of the father suffices.

The consent of one in certain cases suffices.

120. If one of them be dead or unable to express his will, the consent of the other suffices.

Authority of tutor *ad hoc* required in the case of a natural child in his minority.

121. A natural child who has not reached the age of twenty-one years must be authorized, before contracting marriage, by a tutor *ad hoc* duly appointed for the purpose.

Tutor or curator's consent necessary in certain cases, and a family council to be called.

122. If there be neither father nor mother, or if both be unable to express their will, minor children before contracting marriage must obtain the consent of their tutor, or, in cases of emancipation, their curator, who is bound, before giving such consent, to take the advice of a family council, duly called to deliberate on the subject.

Family council.

"Requisitions" not necessary.

123. Respectful requisitions to the father and mother are no longer necessary.

Certain prohibitions.

124. In the direct line, marriage is prohibited between ascendants and descendants and between persons connected by alliance, whether they are legitimate or natural.

Prohibitions.

125. In the collateral line, marriage is prohibited between brother and sister, legitimate or natural, and between those connected in the same degree by alliance, whether they are legitimate or natural.

Amendment—(i) How far does the following affect this article :

Section 1 of chapter 42 of 1882, of the Canadian Statutes, an Act concerning marriage with a deceased wife's sister.

1. All laws prohibiting marriage between a man and the sister of his deceased wife are hereby repealed, both as to past and future marriages, and as regards past marriages, as if such laws had never existed.

2. This

2. This Act shall not affect in any manner any case decided by or pending before any Court of Justice, nor shall it affect any rights actually acquired by the issue of the first marriage previous to the passing of this Act, nor shall this Act affect any such marriage when neither of the parties has afterwards, during the life of the other, lawfully intermarried with any other person, D. 45 Vict. c. 42 (Acts of the Provinces and of Canada not repealed by the Revised Statutes, *alias* R. S. C., Vol. 3, p. 1025).

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Section 2 of c. 42,
1882, C. Statutes.

126. Marriage is also prohibited between uncle and niece, aunt and nephew. Further prohibitions.

127. The other impediments recognised according to the different religious persuasions, as resulting from relationship or affinity, or from other causes, remain subject to the rules hitherto followed in the different churches and religious communities. Other impediments.

The right, likewise, of granting dispensations from such impediments appertains, as heretofore, to those who have hitherto enjoyed it. The right of dispensations appertains likewise.

The Preamble of said Chapter 36, 1890, after reciting the repeal by Chapter 42, 1882, of all laws prohibiting a marriage between a man and his deceased wife's sister, and stating that it is desirable likewise to remove all prohibition against marriage between a man and his deceased wife's sister's daughters, is followed by the following two sections:— Amendment of c. 42, 1882, by C. 36, 1890, another Ca. Statute.

1. All laws prohibiting marriage between a man and the daughter of his deceased wife's sister, when no law relating to consanguinity is violated, are hereby repealed, both as to past and future marriages; and as regards past marriages, as if such laws had never existed. Repeal of prohibition.

2. This Act shall not affect in any manner any case decided by or pending before any Court of Justice, nor shall it affect any rights actually acquired by the issue of the first marriage previous to the passing of this Act, nor shall this Act affect any such marriage when either of the parties has afterwards, during the life of the other, lawfully intermarried with any other person. Retroactive.

Chapter Second.—Of the formalities relating to the solemnization of marriage. Formalities.

128. Marriage must be solemnized openly, by a competent officer recognised by law. Must be solemnized openly and by competent authority.

Amendment.—*See* Imperial Act 42 & 43 Vict. c. 29, respecting marriages on board Her Majesty's ships. Marriages on board Her Majesty's ships.

129. All priests, rectors, ministers, and other officers authorized by law to keep registers of acts of civil status are competent to solemnize marriage. Persons competent to solemnize marriage.

But none of the officers thus authorized can be compelled to solemnize a marriage to which any impediment exists according to the doctrine and belief of his religion and the discipline of the church to which he belongs. Officials free from compulsion to solemnize in certain cases.

No minister who has performed any marriage ceremony, under the authority of a licence issued under this Act, shall be subject to any action or liability for damages or otherwise by reason of there being any legal impediment to the marriage, unless at the time when he performed such ceremony he was aware of the existence of such impediment. Q., 35 Vict. c. 3, p. 6. Non-liability to action, damages or otherwise, of minister who acted in good faith.

130. The publications of banns, required by Articles 57 and 58, are made by the priest, minister, or other officer in the church to which the parties belong, at morning service, or, if there be no morning service, at evening service, on three Sundays or holidays, with reasonable intervals. If the parties belong to different churches, these publications take place in each of such churches. Publications of banns, how made, &c.

131. If the actual domicile of the parties to be married has not been established by a residence of six months at least, the publications must also be made at the place of their last domicile in Lower Canada. Publications at last domicile in Lower Canada necessary also, if actual domicile be not established.

132. If their last domicile be out of Lower Canada, and the publications have not been made there, the officer who, in that case, solemnizes the marriage is bound to ascertain that there is no legal impediment between the parties. Officer who solemnizes marriage to ascertain whether there is any legal impediment in a certain case.

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Publications to be also made at domicile of those having authority over either or both as to marriage.

Exemptions from such publications possible.

Marriage valid according to laws of locus out of Lower Canada in certain cases, provided, &c.

Evidence of marriage in certain cases.

Indian marriages.

133. If the parties, or either of them, be, in so far as regards marriage, under authority of others, the banns must be also published at the place of domicile of those under whose power such parties are.

134. The authorities who have hitherto held the right to grant licences or dispensations for marriage may exempt from such publications.

135. A marriage solemnized out of Lower Canada between two persons, either or both of whom are subject to its laws, is valid, if solemnized according to the formalities of the place where it is performed, provided that the parties did not go there with the intention of evading the law.

Mr. W. P. Sharp, in his Civil Code of Lower Canada, makes, among other comments, the following after this Article 135: "2. A marriage contracted where there are no priests, no magistrates, no civil or religious authority, and no registers, may be proved by oral evidence; and the admission of the parties, combined with long cohabitation and repute, will be the best evidence. An Indian marriage, according to the usage of the Cree country in the North-West Territories of Canada, followed by cohabitation and repute and the bringing up of a numerous family, is a valid marriage. Monk, J., Connolly v. Woolrich, 11 L. C. J., p. 197."

Chapter Third.- Of Oppositions to Marriage.

Opposition by one already married to one of the intending parties.

Opposition by father or mother to a minor's marriage.

The tutor, or in cases of emancipation, the curator may also in certain cases oppose. Court to call a family council.

Certain relatives to make opposition in other cases named.

136. The solemnizing of a marriage may be opposed by any person already married to one of the parties intending to contract.

137. The marriage of a minor may be opposed by his father, or, in default of the latter, by his mother.

138. In default of both father and mother, the tutor, or, in cases of emancipation, the curator, may also oppose the marriage of such minor, but the Court to which such opposition is submitted cannot decide on its merits without the advice of a family council, which it must order to be called.

139. If there be neither father nor mother, tutor nor curator, or if the tutor or curator have consented to the marriage without taking the advice of a family council, the grandfathers and grandmothers, the uncles and aunts, and the cousins-german who are full age, may oppose the marriage of their minor relative, but only in the two following cases:

1. When a family council, which, according to Article 122, should have been consulted, has not been so;

2. When the party to be married is insane.

Things to be done for the opposition mentioned in preceding articles.

140. When opposition is made under the circumstances and by any of the persons mentioned in the preceding article, if the minor have neither tutor nor curator, the opposant is bound to cause one to be appointed; if the minor have already a tutor or curator who has consented to the marriage without consulting a family council, the opposant must cause a tutor *ad hoc* to be appointed, in order that such tutor, curator, or tutor *ad hoc* may represent the interests of the minor in such opposition.

Opposition in case of insanity.

141. (If a person about to be married, being of the age of majority, be insane, and not interdicted, the following persons may oppose the marriage, in the following order:

1. The father, and, in his default, the mother.

2. In default of both father and mother, the grandfather, and grandmothers.

3. In default of the latter, the brothers or sisters, uncles or aunts, or cousins german, of the age of majority.

4. In default of all the above, those related or allied to such person who are qualified to take part in the meeting of a family council, which should be consulted as to the interdiction.)

142. When

Parents and grandparents.

Brothers and sisters.

Relatives.

142. When the opposition is founded on the insanity of the person about to be married, the opposant is bound to apply for the interdiction and to have it pronounced without delay.

Opposant must apply, &c.

143. (Whatever may be the quality of the opposant, it is his duty to adopt and follow up the formalities and proceedings necessary to have his opposition brought before the Court and decided within the legal delays, a demand for its dismissal not being required; in default of his so doing, the opposition is regarded as never having been made, and the marriage ceremony is proceeded with, notwithstanding.)

Compliance with formalities and proceedings indispensable.

144. The code of Civil Procedure contains the rules as to the form, contents, and notification of oppositions to marriage, as well as those relative to the peremption mentioned in the preceding article, and to the other proceedings required.

Code of civil procedure regulates procedure in making and carrying out oppositions.

145. The oppositions are brought before the Court of original jurisdiction of the domicile of the party whose marriage is opposed, or of the place where the marriage is to be solemnized, or before a judge of such Court.

Court before which oppositions are brought.

146. Proceedings upon appeals from such judgments are summary and take precedence.

Appeal proceedings.

147. If the opposition be rejected, the opposants, other than the father and mother, may be condemned to pay costs and are liable for damages according to circumstances.

Opposants liable to costs, &c., in case of rejection of opposition, excepting parental opposants.

Chapter Fourth.—Quebec Marital Laws. Annuling marriages.

148. A marriage contracted without the free consent of both parties, or of one of them, can only be attacked by such parties themselves or by the one whose consent was not free.

Only the parties, or one of them, to the contract can attack it in the case of the want of necessary consent of both.

When there is error as to the person the marriage can only be attacked by the party led into error.

In case of error as to the person, the party misled only can attack.

149. (In the cases of the preceding article, the party who has continued cohabitation during six months after having acquired full liberty or become aware of the error, cannot seek the nullity of the marriage.)

The preceding article not available in a certain case.

150. A marriage contracted without the consent of the father or mother, tutor or curator, or without the advice of a family council, in cases where such consent or advice was necessary, can only be attacked by those whose consent or advice was required.

A marriage contracted without the necessary consent or advice of third parties can only be attacked by those whose consent or advice was required.

151. (In the cases of Articles 148 and 150, an action for annulling marriage cannot be brought by the husband or wife, tutor or curator, or by the relations whose consent is required, if the marriage have been either expressly or tacitly approved by those whose consent was necessary; nor if six months have been allowed to elapse without complaint on their part since they became aware that the marriage had taken place.)

Articles 148 and 150 unavailable in certain cases.

152. Any marriage contracted in contravention of Articles 124, 125, and 126, may be contested either by the parties themselves, or by any of those having an interest therein.

Contest in case of contravention of Articles 124, 125, and 126.

153. But a marriage contracted before the parties or either of them have attained the age required, can no longer be contested:

Marriage of minors, or in case either is a minor, cannot be contested in the following cases.

(1.) When six months have elapsed since the party or parties have attained the proper age;

(2.) When the wife under that age has conceived before the termination of the six months.

154. The father, mother, tutor, or curator, or the relations who have consented to the marriage in the cases mentioned in the preceding article are not allowed to seek the nullity of such marriage.

In the cases mentioned in preceding articles, certain parties are not allowed to contest or attack on the ground of nullity.

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Grandparents, collateral relatives, &c., require a certain interest in the cases referred to in Article 152.

Illegal marriages may be contested by the parties, &c., leaving the Court a certain jurisdiction.

The officer solemnizing marriages not preceded by the necessary preliminaries, is liable to a maximum fine of 500 dollars.

Any officer contravening the rules prescribed incurs a maximum penalty of 500 dollars also.

No one can claim the marriage status without a certificate except in the cases provided for by Article 51. See post, page 19 hercof.

Possession of the status not sufficient in certain cases, without a certificate.

Status and certificate preclude the parties from demanding the nullity of such act.

In the case of Articles 159 and 160, legitimacy cannot in certain cases be contested solely on the ground that no certificate is produced.

A marriage declared null carries still civil effects, if contracted in good faith.

The effect of good faith on the part of one only of the parties.

Dissolution of marriage.

Notice of hearing to accompany every opposition.

Service of opposition and notice.

155. In the cases referred to in Article 152, where the action for annulling the marriage belongs to all those interested, the interest must be existing and actual to permit the exercise of the right of action by the grandparents, collateral relatives, children born of another marriage, and third persons.

156. Every marriage which has not been contracted openly, nor solemnized before a competent officer, may be contested by the parties themselves and by all those who have an existing and actual interest, saving the right of the Court to decide according to the circumstances.

157. (If the publications required were not made, or their omission supplied by means of a dispensation or licence, or if the legal or usual intervals for the publications or the solemnization have not elapsed, the officer solemnizing the marriage under such circumstances is liable to a penalty not exceeding 500 dollars.)

158. (The penalty imposed by the preceding article is in like manner incurred by any officer who, in the execution of the duty imposed upon him, or which he has undertaken, as to the solemnization of a marriage, contravenes the rules prescribed in that respect by the different articles of the present title.)

159. No one can claim the title of husband or wife and the civil effects of marriage unless he produces a certificate of the marriage, as inscribed in the registers of civil status, except in the cases provided for by Article 51. (See page 19.)

160. Possession of the status does not dispense those who pretend to be husband and wife from producing the certificate of their marriage.

161. When the parties are in possession of the status, and the certificate of their marriage is produced, they cannot demand the nullity of such act.

162. Nevertheless, in the case of Articles 159 and 160, if there be children issue of two persons who lived publicly as husband and wife, and who are both dead, the legitimacy of such children cannot be contested solely on the pretext that no certificate is produced whenever such legitimacy is supported by possession of the status uncontradicted by the act of birth.

163. A marriage, although declared null, produces civil effects as well with regard to the husband and wife, as with regard to the children, if contracted in good faith.

164. If good faith exist on the part of one of the parties only, the marriage produces civil effect in favour of such party alone, and in favour of the children issue of the marriage.

Article 185 of the Civil Code of Lower Canada (Quebec) reads:—

“ 185. Marriage can only be dissolved by the natural death of one of the parties. While both live, it is indissoluble. Pethier, Marriage, 462-7; Gousset, Code Civil, Sur Art. 25, 94: 3 Paud. Franc, p. 416; 2 Duranton, No. 520, C.N., 227, (I. 299.)”

Procedure as to Marriage Oppositions in Quebec.

The Code of Civil Procedure of the Province of Quebec gives Articles having reference to procedure in the case of oppositions to marriage, i.e. 990-996 Civil Code Procedure.

Article 990 reads:

“ 990. Every opposition to a marriage must be accompanied with a notice indicating the day and hour at which the opposition will be presented to the Superior Court or to a Judge of such Court.”

“ 991. The opposition and notice must be served both upon the functionary called upon to solemnize the marriage and upon the intended consorts, or the persons

persons who represent them, a delay of five intermediate days being observed, with the usual addition where the distance exceeds five leagues.’

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Delay of five days more where the distance exceeds five leagues observed.

“ 992. The proceedings upon the opposition are summary and conducted in the same manner as those suits between lessors and lessees.”

Proceedings summary, &c.

“ 993. If the opposant fails to present his opposition upon the day fixed, any person interested may obtain judgment of non-suit against him, upon filing a copy of the opposition served upon such person; and upon receiving a copy of such judgment the functionary called upon to solemnize the marriage may proceed.”

How judgment of non-suit may be claimed against opposant, and how official for solemnizing the marriage may be authorised to proceed.

“ 994. If the opposant fails to proceed in the manner prescribed, the opposition is declared abandoned.”

Opposant bound to proceed in the manner prescribed.

“ 995. The Court or Judge before rendering judgment upon the opposition may, if there be cause for it, summon the parents, or, in default of parents, the friends of the intending consorts, in order that they may give their opinion upon the intended marriage, and that such further action may be had as to law may appertain.”

The Court or Judge before rendering judgment, may if there be cause for it, hear further evidence of parents, or friends in case of default of parents.

“ 996. An appeal lies to the Court of Queen’s Bench from judgment rendered on such oppositions, the same formalities being observed as in appeals from the Circuit Court, and the proceedings on such appeal take precedence.”

Appeals.

Of Registers of Civil Status.

Articles 1236 to 1241 of the Quebec Code of Civil Procedure.

1236. All registers intended to record births, marriages, and deaths, or religious profession, must, before being used, be numbered upon the first and every subsequent leaf, with the number of such leaf written in words, at full length, and be sealed with the seal of the Superior Court, or the seal of the Circuit Court, by affixing the same upon the two extremities of a ribbon, or other such fastening, passing through all the leaves of such registers and secured inside of the cover thereof; and upon the first leaf must be written an attestation under the signature of a judge or the prothonotary of the Superior Court of the district, or of the clerk of the Circuit Court of the county which comprises the Roman Catholic parish church, private chapel or mission, the Protestant church, or religious congregation or society authorised to keep such registers, and for which they are to serve, and to which they belong, specifying the number of leaves contained in the register, the purpose for which it is intended, and the date of such attestation.

Registers must have certain essentials before being used.

Attestation required.

Such certificate cannot, however, be given until the formalities prescribed by special acts with regard to certain religious congregations have been fulfilled (R.S.Q., Art. 6014).

Proviso.

1237. The duplicate register which is to remain in the hands of the priest, minister, or person doing the parochial or clerical duty of each Roman Catholic parish church, Protestant or religious congregation, must be bound in a substantial and durable manner.

Other essentials of duplicate register for the priest, minister, &c.

A copy of the title “Of Acts of Civil Status” in the Civil Code, and of the first, second, and third chapters of the title “Of Marriage” in the same code must be attached to such duplicate.

1238. *Curés*, churchwardens of *fabriques*, and other such administrators, in places where baptisms, marriages, and deaths have taken place, and also the superior of communities in which vows of religious profession have been made, are respectively bound to fulfil the requirements of the laws with regard to the registers of acts of civil status, and may be compelled to do so by such means and under such pains, penalties, or damages as the law allows.

Obligations of *curés*, &c., &c., as regards the law with respect to civil status.

1239. Any person who desires to have any register rectified must present to the Court a petition for that purpose, stating the error or omission of which he complains, and praying that the register may be rectified accordingly; this petition must be served upon the depositary of such register.

Correction of register.

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Power of court to call in any other person deemed interested.

Judgment correcting must contain an order for inscription upon both registers.

When registers are destroyed or lost, what may be done.

Authentic copies to be furnished when required by the priest and churchwardens.

The priest and churchwardens in certain cases to furnish registers and books, &c.

Prothonotary's fees for copies.

Prothonotary to deliver certificate of copies, &c.

Copy, how treated, and certified extracts considered authentic, but the extracts must contain a certain declaration.

What said copy must be.

Reproductions of said registers of civil status kept up to 1800, as far as possible, may be made.

A certificate that the copy has been examined and compared with the register must be affixed to the copy, &c.

Original to be preserved.

1240. The court may also order any person to be called in whom it deems interested in the application. Such person is thereupon summoned in the ordinary manner.

1241. Any judgment ordering a rectification must contain an order for the inscription of such judgment upon the two registers, and no copy of the Act rectified can thereafter be delivered without the corrections thus ordered to be made.

1241a. When the registers of civil status of a parish, or a portion of such registers, have been destroyed by fire, or in any other manner, the priest and churchwardens of the *fabrique* of such parish may, after resolution establishing the loss and destruction of such registers or a portion thereof, cause to be delivered by the prothonotary of the district, in whose office are deposited the registers of civil status of such parish, or having the custody of such registers, a copy of such registers, or of any portion thereof, which have been destroyed as aforesaid. (R. S. Q., Article 6015.)

1241b. Every prothonotary or clerk having the custody of the registers of civil status of such parish, shall be bound to deliver, within a reasonable time, an authentic copy of all registers, or any portion thereof, required by the priest and churchwardens of the *fabrique* of such parish. (Id.)

1241c. The priest and churchwardens of the *fabrique* of any parish requiring copies of registers, or of portions thereof, so destroyed, must furnish the registers and books necessary for such purpose, which must be numbered and initialled in the manner prescribed by Article 1236. (Id.)

1241d. The fees of any prothonotary for all copies of registers of civil status, or of any portion thereof, required, are as follows: 6 cents for each certificate of baptism or burial, and 18 cents for each certificate of marriage. (Id.)

1241e. The certificate of authenticity of such copies of registers or portion thereof must be delivered by the prothonotary of the district, and be inscribed after the last entry in each book or register. (Id.)

1241f. Every copy of registers so authenticated and delivered is considered as an original register; and the extracts certified by the parish priest, vicar, or priest in charge of the said parish, depository of the said registers, are authentic; but the parish priest, vicar, or priest in charge is bound to declare, in the extracts which he delivers, that the registers from which they are taken are copies, so certified, of the only existing duplicate. (Id.)

1241g. The copy so made of the said registers must be a *fac-simile* of the sole existing duplicate, in so far as it must contain and reproduce all the words struck out, the marginal notes, lengthened lines and interlineations that may be in the latter, as well as the certificate which certifies as to the number thereof, strictly following the same spelling. (Id.)

1241h. Any curé, minister, or other person authorised to keep registers of civil status, may, with the authorisation of the ordinary board of the *fabrique* or of the trustees, as the case may be, at the expense of the parish church, mission, or congregation, or religious community, of which he is such curé or minister, replace, in so far as the writing may be deciphered, the said registers of civil status kept up to the year 1800, in his custody, by others reproducing them as exactly as possible. (Id.)

1241i. Every such person so authorised to keep registers of civil status, after having carefully compared such copy made by him with the original, shall affix at the end thereof a certificate attesting that it has been examined and compared, and that it agrees with the register of which it is a copy. Such certificate is made under oath before the prothonotary of the Superior Court of the district. Such copy shall be authenticated and initialled by the prothonotary before being used. (Id.)

1241j. Notwithstanding the authenticity of such copy, which shall have the same as the original register, the latter must be preserved, so that reference may be had thereto. (Id.)

An amendment by Chapter 51, 1890, Quebec Statutes, Chapter LI. (51) of the Provincial Statutes of Quebec for 1890, is an Act to legalise certain registers of civil status kept by the Catholic missionary of Natash Ronan, on the Labrador coast. From the preamble thereof, it appears the Reverend J. A. Chalifour, priest and missionary of Natash Ronan, for the Catholic Mission of St. Samuel de la Tabatière, and of Notre Dame de Natash Ronan, and other neighbouring places on the Labrador coast, was not able to comply with the requirements of the law respecting the authentication of such registers, owing to the entire absence of means of communication with the proper civil officers, and the said Chapter 51 directs that the registers of civil status "voluntarily kept" by the said priest and missionary, in the year 1882, for the Catholic Mission of St. Samuel de la Tabatière, and for the Mission of Notre Dame de Natash Ronan and other neighbouring places on the Labrador coast, and attested by the certificate and signature of the said Reverend J. A. Chalifour, may be authenticated by the Superior Court in the city of Quebec.

Legislation to authorise the authentication of certain registers of civil status.

Such legislation as to each duplicate of the registers shall be effected according to Article 1236 (above transcribed) of the Code of Civil Procedure.

One of the duplicates is to remain in the hands of the prothonotary, the other with the missionary of the place above mentioned, and extracts certified by the said prothonotary or by the said missionary, as the case may require, shall be sufficient evidence of the contents thereof.

Section 2 of said Chapter 51 of the Statutes of Quebec Province for 1890 declares that the said Act shall come into force on the day of its sanction.

Coming into force of said Chapter 51.

Article 51 of the Civil Code referable to Article 59, see *ante*, page 16, states that,—

Secondary evidence of births, marriages, and deaths allowed in some cases.

"On proof that, in any parish or religious community, no registers have been kept, or that they are lost, the births, marriages, and deaths may be proved either by family registers and papers or other writings, or by witnesses."

Marriage Laws of Nova Scotia, Chapter 93 of the Revised Statutes of Nova Scotia, and Amendments.

Chapter 93 of the Revised Statutes of Nova Scotia, Fifth Series, 1884, treats of the solemnization of marriage, &c., and contains 32 sections.

Section 1 reads:

1. All marriages heretofore solemnized in this province in good faith before any minister of any religious denomination, in the presence of one or more witnesses, and where the parties so married have cohabited together as man and wife, shall be deemed and are hereby made valid, notwithstanding any real or supposed want of legal authority in the ministers to solemnize such marriages, and notwithstanding any want of license or of publication of banns under which such marriages were had, or any legal objection thereto. Provided that nothing herein contained shall have the effect of confirming or rendering valid any marriage between parties who were not legally authorised to enter into the marriage contract by reason of consanguinity, affinity, or otherwise.

Certain marriages declared valid.

Section 2:—

2. The issue of all marriages hereby confirmed or rendered valid are declared to be and are made legitimate, to all intents and purposes.

Issue declared legitimate.

3. The rights of parties claiming under the issue of any such marriage shall be the same, to all intents and purposes, as if the marriage hereby confirmed had been valid and legal at the time of the solemnization thereof.

Claims under issue declared valid.

4. The three preceding sections shall not extend to or affect any suit or other legal proceeding now pending.

Not to affect pending suits.

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Governor in Council
to prescribe forms.

Definition of terms.

5. The Governor in Council may, from time to time, prescribe and change forms to be used in the carrying into operation of, and for facilitating and rendering uniform, the duties to be performed under this chapter, which forms shall be used under the provisions, penalties, and obligations of this chapter, in the same manner as if set out in a schedule hereto and specially referred to, unless from the context the meaning is evidently different. The term "Deputy Registrar" shall mean issuer of marriage licences and deputy registrar of marriages; and "occupier" shall include master, governor, keeper, steward, resident medical officer, or superintendent of gaol, prison, poor's asylum, hospital, lunatic asylum, or other public or private charitable institution.

Section 6:—

Persons who may
solemnize marriage.

6. Every person recognized as a duly ordained clergyman, or minister, by any congregation, or body of Christians within this province, may solemnize marriage by licence, or after publication of banns, in conformity with the provisions of this chapter.

Marriage by banns.

7. No persons shall officiate in the solemnization of any marriage unless notice of such marriage shall have previously been given publicly during the time of divine service at three several meetings, at a place of public worship, on two or more Sundays, provided there shall be more than one public service in the said place of worship on each Sunday, otherwise at two several meetings on two Sundays, in the place where at least one of the parties reside, or unless a licence shall have been obtained as herein prescribed for the solemnization of such marriage.

By licence.

Banns; by whom
published.

8. The officiating clergyman or minister of a congregation at the place where either of the parties desiring to be married resides, shall give the notices in the preceding section mentioned, after having been requested to do so, unless in cases where compliance would be illegal, or inconsistent, with the rules and discipline of the church or congregation to which the clergyman, minister, or parties respectively belong.

Penalty for illegally
officiating at solemn-
ization of marriage.

9. Whosoever not being thereto duly authorised shall presume to solemnize or celebrate marriage, or shall officiate or assist in solemnizing or celebrating any marriage, shall, for every such offence, forfeit to the use of Her Majesty a sum not exceeding four hundred dollars, nor less than one hundred dollars, and suffer 12 months' imprisonment, notwithstanding such marriage shall be invalid by law.

Of Licences for the Solemnization of Marriage.

Governor to sign
licences; how dis-
tributed.

10. The Governor may, from time to time, sign and seal marriage licences in blank (and any marriage licence so signed and sealed in blank by any Lieutenant Governor before going out of office shall be as valid as if said Lieutenant Governor had remained in office down to the date of issuing the same, and may be issued as hereinafter provided in the same manner as if such Lieutenant Governor had not gone out of office), which shall be distributed by the Provincial Secretary, who shall place them in such number as may, from time to time, be required, together with an equal number of blank bonds, in the hands of persons to be appointed by the Governor in Council throughout the Province, to the issuers of marriage licences and deputy registrars of marriages, and who shall be so located as that no part of any county shall be at an inconvenient distance from one of them. Due publicity under the direction of the Governor in Council shall be given to these appointments and the objects of this chapter.

Information pub-
lished.

Section 11, as amended, reads:—

Deputy registrars
to give receipts for
licences.

"11. The issuers or deputy registrars shall deposit with the provincial secretary receipts for all the blank marriage licences they shall respectively receive, for which they shall be answerable to him at the rate of four dollars for each licence."

Section

Section 12, as amended, reads:—

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"12. When a marriage licence is required for use, application shall be made to an issuer or deputy registrar who, on receiving for the licence four dollars, and on execution by the man contemplating marriage and sufficient sureties of one of the bonds properly filled up, shall insert in one of the blank marriage licences in his possession the name of the clergyman or minister to whom it is to be directed, and the names, abodes and conditions of the man and woman to be married, and having subscribed it with his own name, and the exact date of issuing, shall deliver the licence so perfected to the party applying; and a marriage licence shall not be issued or delivered except thus perfect and adopted for some particular marriage clearly expressed in it, and it shall not, on any pretence, be used for any other marriage. The hour, among other things, shall be conditioned for return of the licence."

Mode in which deputy registrar shall fill up licences when applied for. Bond.

13. Every deputy registrar or issuer shall record the issue of every licence, with the date and the names of the clergyman, the parties and sureties, and shall record the return of every licence, with the date when received by him, and the particulars of the marriage, and the name of the officiating clergyman as certified in the Return.

Deputy registrar shall record issue of licence and proceedings thereon.

14. Every clergyman authorised by law to perform the marriage ceremony shall apply for, and shall on application, obtain from the nearest issuer or deputy registrar, forms in which he shall register with the required particulars all the marriages celebrated by him, whether by banns, licence or otherwise. But this shall not be construed to interfere with the keeping of any other marriage register he may be otherwise required or may see proper to keep.

Clergyman shall register particulars of all marriages in forms furnished by deputy registrar.

15. It shall be the duty of every deputy registrar to ascertain, as far as may be in his power, the several marriages occurring in his vicinity, and to cause the same to be registered under the provisions of this chapter. When persons whose signatures are required are unable to write, their cross or mark, made in the presence of, and attested by, the deputy registrar or a witness shall be equivalent to signature. It shall be in the power of the Governor in Council, should it be found expedient for carrying out this chapter, from time to time to cause the limits to be defined of all, or of some only, of the deputy registrar's jurisdiction under this chapter, and, as occasion may require, to alter the same, of which due publicity shall be given. If any error shall be discovered to have been committed in the entry of any marriage in any register, the person discovering the same shall forthwith give information thereof to the deputy registrar, and such deputy registrar is hereby authorised and required to investigate the circumstances of the case; and if he shall be satisfied that an error has been committed in any such entry, it shall be lawful for him to correct the erroneous entry according to the truth of the case, by entry in the margin, without any alteration of the original entry. Envelopes enclosing the papers or returns required to be transmitted and made under this chapter shall be marked "Registration Returns," with the signature of the officer or clergyman transmitting subscribed.

Deputy registrar to ascertain all marriages in vicinity. When persons unable to write.

Governor in Council may define limits of deputy registrar's jurisdiction.

Errors in registry; how corrected.

RETURNS.

1. By Clergyman.

16. Every clergyman shall return to the issuer or deputy registrar by whom the same is subscribed every marriage licence used by him for the celebration of marriage within 10 days after such celebration, with the blank certificate endorsed thereon fully filled in and subscribed by himself, stating the fact of the celebration, the names, abodes and additions of the couple married, the time and place of such marriage, and the names of at least two persons present thereat beside himself.

Envelope enclosing returns, &c.; how marked.

CANADA.

Deputy Provincial Secretary may sign licence.

17. All marriage licences or other documents required under the provisions of this chapter to be signed by the Provincial Secretary shall be as valid to all intents and purposes if signed by the Deputy Provincial Secretary as if signed by the Provincial Secretary, provided that the words "Deputy Provincial Secretary" are added after such signature.

Shall keep register of all marriages, and return same to issuer.

18. Every clergyman or minister shall keep a register of all marriages solemnized by him, whether by banns or licence, by filling up a blank form with all the particulars required concerning each marriage, and shall return it along with the licence, or by itself if said marriage has been solemnized by banns, to the nearest issuer of marriage licences, or the issuer from whom the licence was received, within 10 days after such celebration, and shall be entitled to receive 25 cents. for each return of marriage so made, provided it has been made conformably to law.

Fee.

Issuers shall make quarterly returns to Provincial Secretary's Office.

19. Issuers of marriage licences shall make returns to the Provincial Secretary's Office in the first weeks of January, April, July, and October, in every year, of all marriages of which returns have been made to them by clergymen, which returns shall contain all the particulars given in the forms filled up and forwarded to them by said clergymen; and they shall receive 50 cents. for each marriage so returned, to be paid out of the Marriage Licence Fund.

2. By Deputy Registrar.

Deputy registrar shall make the following returns.

20. Every deputy registrar shall, in the second weeks in January, April, July, and October, in each year, return, under his signature, to the Provincial Secretary's Office, as follows:—

Licences issued and returned.

(1.) All the licences issued by him and returned to him, with all certificates of marriage returned to him.

Bonds.

(2.) All bonds taken by him on the issue of marriage licences.

Registers returned by clergymen.

(3.) All the registers of marriage returned to him by clergymen.

His own records of marriages.

(4.) His own records of marriage licences issued by, and certificates of marriage returned to, him.

All returns required under this chapter.

(5.) And generally all the entries and returns required under this chapter to be made by the deputy registrar in relation to marriages, together with an exact list of the documents returned, signed by him.

Deputy registrar shall account to Provincial Secretary for all licences.

21. Every deputy registrar shall also, within the first weeks of January, April, July, and October, in each year, return to the Provincial Secretary's Office an account, verified under oath, of all marriage licences remaining in his hands, and shall pay, and with such account transmit to the Provincial Secretary's Office, the full amount of fees on all licences issued by him, at four dollars for each licence, deducting the sums paid by him to clergymen, under the eighteenth section, and of which he shall render an account under his signature.

Penalties.

Penalty for solemnizing marriage otherwise than herein provided.

22. Every person who shall officiate in the solemnization of marriage, unless under licence issued in conformity with the provisions of this chapter, or under banns or notices given in conformity with the provisions of this chapter, shall forfeit 200 dollars.

Penalty for refusal to give notices as in Sections 7 and 8.

23. Every officiating clergyman or minister of a congregation who shall, in violation of the seventh and eighth sections, refuse or neglect to give the notices directed by those sections, shall, except as therein excepted, forfeit 200 dollars, and shall be liable to an action for damages at the suit of either of the parties aggrieved.

Penalty for falsifying marriage licences.

24. Any clergyman or minister who shall use, and all persons who shall be instrumental in the using of, a marriage licence that shall not have been perfected and filled up and subscribed by a deputy registrar in manner as herein directed, and any person who shall alter or assist, or be concerned in altering

altering any marriage licence that has been so perfected, or shall celebrate or assist, or be concerned, in celebrating any marriage under pretence of a marriage licence issued for another and different marriage, shall, for every and each of said offences, be liable to a penalty not exceeding 200 dollars.

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25. Provides a penalty for not returning licence as required by said Chapter 93 (*see* Section 16 above), and for not complying with Section 18 thereof above transcribed, for each neglect, of four dollars for the use of the issuer of marriage licences, to whom the return should be made, and for every day after the 10 days within which the return should be made, 12½ cents. In the case of the clergyman's absence from home, or illness, an extension of 10 days after return or recovery is allowed to enable him to comply with the provisions of said sections.

Penalty on clergymen for not returning licence within ten days after marriage.

Section 26 reads :—

“Every deputy registrar who neglects or refuses, or without probable cause omits to make any entry or fulfil any duty which, by this chapter, he ought to make, or do, or who shall carelessly lose or injure any licence, or bond, register, entry, document, or paper which was in his possession, under this chapter, or who shall not, within the periods herein prescribed, make all the several returns and payments which, by this chapter he ought to make, or who shall part with or allow to go out of his possession, any marriage licence, except in conformity with the provisions of this chapter, or who shall, in any other particular, do anything contrary to the provisions of this chapter, or omit to do anything therein required; shall forfeit, to be paid to the Provincial Secretary, for the use of the Marriage Licence Fund, a fine of four dollars, and the further sum of 12½ cents. for every day for which any such return or payment shall be delayed after the time within which the same should be made.”

Penalty for neglect of duty by deputy registrar.

27. Every person who shall knowingly or wilfully make, or shall cause to be made, for the purpose of being inserted in any register of marriages, any false statements touching any of the particulars herein required to be known and registered shall forfeit 200 dollars.

Penalty for making false statement.

28. Every person who shall wilfully send to any newspaper publisher, or other person, for publication in any newspaper in this province, a fictitious or false statement of the marriage of any person, shall forfeit and pay a sum not exceeding 100 dollars.

Penalty for giving false information.

Recovery and Distribution of Penalties and Fines.

29. All fines and fees made payable to, or for the use of, a deputy registrar may be sued for in the name of the party entitled as a private debt, and it shall be sufficient to state in the writ that the money is claimed for the defendant's neglect of duty, or for services performed by the plaintiff under this chapter, as the case may be.

Fines and fees payable to deputy registrars; how recovered.

30. All fines, penalties, and forfeitures which are not made payable to, or to the use of, the deputy registrars, may be prosecuted by the Provincial Secretary, or by any party who feels aggrieved, in the county or district wherein the offence occurred. The money, when recovered, after deducting expenses, shall be applied, one-half to the use of the Marriage Licence Fund, and the other half to the use of the municipality, to be paid to the municipal treasurer.

Fines not made payable to deputy registrars; how recovered.

31. The action shall be conducted as for private debts, and it shall suffice if the writs briefly state the offence committed.

Actions: how conducted.

32. Every issuer of marriage licences shall, before entering upon the duties of his office, give a bond to Her Majesty, with sureties in the sum of 200 dollars for the faithful performance of his duties.

Issuers of marriage licences to give bonds.

Section 6 of Chapter 1, 1885, reads :—

Amendments by
Chapter 1 of 1885.

"6. Chapter 93 of the Revised Statutes, fifth series, 'of the solemnization of marriage' is hereby amended by striking out from Sections 11, 12, and 21 the words 'two dollars and fifty cents,' and inserting in lieu thereof the words 'four dollars,' and the fees to be charged and payable on each marriage licence shall continue to be four dollars, as provided in Chapter 128 'of costs and fees.'"

Amendments incor-
porated in above
transcriptions of
amended sections.

The said Sections 11, 12, and 21 have been transcribed so as to read as so amended.

MARRIAGE LAWS OF THE PROVINCE OF NEW BRUNSWICK.

Section 1 of Chapter 71 Consolidated Statutes of New Brunswick, 1877, having 18 sections, reads :—

Who may solemnize
marriage.

"Every Christian minister or teacher duly ordained according to the rites and ceremonies of the denomination to which he belongs (or by the rules of such denomination deemed and recognized as a duly ordained minister or teacher by virtue of any prior ordination) being a British subject, having charge of a congregation in this province, or connected therewith, may solemnize marriage by license or publication of banns."

Section 2 reads :—

When alien may
solemnize.

"Whenever any person shall make it satisfactorily appear by petition to the Governor in Council that he is a regularly ordained minister of the denomination of Christians to which he belongs, and is the settled pastor of a church or congregation, and is not engaged in any secular calling, but, being an alien, cannot solemnize marriage, the Governor in Council may, by licence under his hand and seal, authorise such person to solemnize marriage by licence or publication of banns so long as he shall remain the pastor of such church or congregation."

Section 3 :—

Governor may re-
voke licence of alien.

"The Governor in Council may revoke such last-mentioned licence at any time on sufficient cause."

Section 4 :—

What to be evidence
of compliance with
Sections 2 and 3.

"When the provisions of Sections 2 and 3 of this chapter have been complied with, notice thereof shall be given in the 'Royal Gazette,' which shall be deemed evidence thereof."

Before quoting or referring to the remaining sections of said Chapter 71, it is as well to state that several subsequent provincial enactments relating to the solemnization of marriage and to remove doubts as to marriage in certain cases, were passed. It will appear that these Acts were passed to meet circumstances surrounding the solemnization of certain marriages, concerning which doubts as to their validity had arisen, and resulted in widening the authority for the solemnization of marriage given by the principal Act, Chapter 71 of the Consolidated Statutes of New Brunswick, 1877.

The earliest (except Chapter 28, 1878, hereinafter mentioned), and perhaps the most important, is Chapter XVI., 1880, containing five sections.

Section 1 thereof reads :—

Licence to remain
good when the
minister changes his
former relations.

"Whenever any person shall make it satisfactorily appear by petition to the Lieutenant Governor in Council that he is a regularly ordained minister of the denomination of Christians to which he belongs, and is the settled pastor of a church or congregation, and is not engaged in any secular calling, but, being an alien, cannot solemnize marriage, the Lieutenant Governor in Council may, by licence under his hand and seal, authorize such person to solemnize marriage by licence or publication of banns, so long as he shall be the minister or pastor of any church or congregation in this province of the denomination of Christians to which he may have attached himself within this province; and the said licence

Licence to solemnize
marriage to remain
good when the
pastor or minister
of any church or

licence shall continue and be in full force so long as he shall be the minister or pastor of any church or congregation of the same or any other denomination of Christians, and shall not cease or determine, or become invalid or inoperative upon or by reason of his changing or having changed from the ministry or pastorate of one church or congregation to the ministry or pastorate of another church or congregation of the same or of any other denomination of Christians within this province."

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congregation changes his pastorate, either as to denomination or congregation.

Section 2 of said Chapter 16, 1880, enacts, in substance, that marriages solemnized in New Brunswick by settled pastors of a church or congregation, after they had removed from the said church or congregation, but under licence duly granted to them, "because and while they were the settled pastors of a church or congregation of the denomination of Christians to which they belong," are valid to all intents and purposes; provided no other defect or impediment or lawful hindrance to such marriage existed at the time of the solemnization thereof."

Marriages solemnized in New Brunswick by ministers, after removal or change, &c., under former licence to be valid.

Section 3, Chapter 16, 1880 :—

Declares in effect that a marriage solemnized after the death or incumbency of a Lieutenant Governor under a licence duly issued "by the command and authority" of such Lieutenant Governor, and under his hand, is legal and valid, and is as effectual as if solemnized under the said licence during the lifetime or incumbency of such Lieutenant Governor, "provided no other defect, impediment or lawful hindrance to the same existed at the time of the solemnization thereof"

Marriages solemnized in New Brunswick after the death or incumbency of a Lieutenant Governor, under a licence issued by him, to be legal and of the same force as if solemnized during his lifetime or incumbency.

Section 4, Chapter 16, 1880 :—

Enacts that the "persons, ministers or pastors who have solemnized any marriage or marriages in either manner aforesaid in this Act mentioned," being ignorant of any doubts or objection as to their solemnizing the marriages aforesaid in the manner aforesaid, are guiltless of any offence and not subject to any fine, penalty, or forfeiture.

Ministers, &c., in certain cases not subject to penalty, &c.

Section 5 :—

The last of said Chapter 16, 1880, is a repealing clause, repealing "all Statutes and Acts," &c., in so far as inconsistent with said Chapter 16, 1880.

The next Act relating to marriages is Chapter 13, 1883. This Act does not appear to be in any respect an innovation as to the marriage laws of New Brunswick, but is simply an Act to remove doubts relating to certain marriages solemnized in the city of St. John by the Rev. William A. Holbrook, the preamble of the Act reciting the Act of 1880 (Chapter 16, 1880).

Chapter 13, 1883, an Act removing doubts.

Section 2 :—

Declares the said Rev. Mr. Holbrook guiltless of any offence and not subject to any penalty, &c.

Chapter 58, 1885, the next Act relating to marriages, is also an Act to remove doubts relating to certain marriages not solemnized within the restrictions provided by Chapter 16, 1880, it appearing that one, Rev. Alexander Rouleston, not being acquainted with the law, did, *previous* to obtaining a licence from the Lieutenant Governor in accordance with Chapter 16, 1880, solemnize marriages, and the said Chapter 58 declared these to be valid.

Chapter 58, 1885, an Act removing doubts.

Chapter 28, 1878, is also an Act, like the latter, to remove doubts arising from similar circumstances with those referred to in connection with Chapter 58, 1885.

Chapter 28, 1878, an Act to remove doubts also.

Chapter 19, 1889, is also an Act to remove doubts relating to marriages in certain cases of a different character from those already mentioned. The preamble thereof is worded to suit the principal sections, and sets forth circumstances which show that certain marriages were solemnized, in some cases not in accordance with the restrictions prescribed by the law.

Chapter 19, 1889, an Act to remove doubts.

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Section 1 reads :—

"Each and every marriage solemnized in this Province by any Christian minister or teacher, being a British subject duly ordained according to the rites and ceremonies of the denomination of Christians to which he belonged, and having been in charge of a congregation in the Province, or connected therewith, but who had ceased to be in charge of or connected with such congregation, or having removed from the Province and returned hereto temporarily or otherwise, and while so temporarily or otherwise in the Province shall have solemnized marriage, each and every such marriage shall be and the same is hereby declared to have been legally solemnized and to be legal and valid to all intents and purposes, and to be as legal and effectual as if the same was herein specially mentioned, legalised and declared valid, provided no other defect or impediment or lawful hindrance to any such marriage existed at the time of the solemnization thereof."

Section 2 of said Chapter 19, 1889 :—

Ministers not
deemed guilty of
offence, &c.

Enacts that ministers, &c., shall not be deemed guilty of offence nor subject to penalty, &c., by reason of their having solemnized any marriage under the circumstances mentioned in Section 1 of said chapter.

Section 3 :—

Certain marriages
legalised by a. 3,
c. 19, 1889.

Legalises marriages performed or solemnized by a minister who had not been a British subject at the time of solemnization, and who had not previously obtained a licence therefor from the Governor in Council in accordance with Chapter 16, 1880, provided no other lawful hindrance existed at the time of the solemnization.

Section 4 :—

Has reference to the non-liability to fine, &c., and

Section 5 :—

Repeals all statutes and Acts inconsistent with said Chapter 19, 1889.

Returning to the remaining sections of the principal Act, Chapter 71 of the Consolidated Statutes of New Brunswick, 1877, the next section (after the last of that chapter quoted above) is Section 5, and reads :—

Appointment of
Commissioners.

"The Governor in Council shall have power to appoint such and so many justices of the peace as may be deemed advisable, Commissioners to solemnize marriage."

Section 6 :—

Publication of
banns.

"Publication of banns shall be made by proclaiming, with an audible voice, during Divine service, on three Sundays successively, such intended marriage, in some church, chapel, or other place of meeting for religious worship, in the parish where either of the parties reside."

Section 7 :—

Consent of father
or guardian neces-
sary where either
party is below the
age of 21 years.

"No person shall knowingly solemnize any marriage where either party is under the age of 21 years, without the consent of the father or guardian."

Section 8 :—

Marriage, how
solemnized ; and
certificate
prescribed.

"Every marriage shall be solemnized in the presence of two or more credible witnesses, besides the persons celebrating the same, and immediately thereafter a certificate thereof to the following effect shall be made, that is to say :—

A. B. of the Parish (or City) of _____, and C. D. of the Parish (or City) of _____, were married by banns (or licence) with consent of father (or guardian) in the year _____, by me.

E. F.

Rector, &c., as the case may be.

This marriage was solemnized between us,

A. B.

C. D.

In presence of

G. H.

I. K.

Which

Which shall be forthwith transmitted by the person celebrating such marriage to the clerk of the peace of the county in which the marriage was solemnized, and immediately registered in full, and filed, endorsed with the day of the registry and page of the book in which it is registered."

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Certificate transmitted, &c.

But on reference to Chapter 5, Section 10, of the Statutes of New Brunswick for 1887, "An Act to provide for the Registration of Births, Deaths, and Marriages," it will be found that the transmission required in the foregoing Section 8 of Chapter 71, Consolidated Statutes of New Brunswick, is made unnecessary by the concluding words of said Section 10, which reads:—"But it shall not be necessary for the person celebrating any marriage to forward a certificate thereof to the clerk of the peace, as required by Sections 8 and 9 of Chapter 71 of the Consolidated Statutes."

Forwarding certificate to clerk of the peace made unnecessary.

Section 9 of said Chapter 71 (Consolidated Statutes of New Brunswick), reads:—

"Quakers may solemnize marriage between persons of that denomination, according to their forms and usage, and the clerk of the meeting in which the marriage is solemnized shall transmit to the clerk of the peace a certificate of every such marriage to be registered by him." Section 10, Chapter 5, 1887, makes unnecessary this forwarding of the certificate, as already stated.

Marriage of Quakers.

Section 10 reads:—

"Every clerk of the peace shall keep a book to be paid for by the county, for the registry of the certificates of marriages solemnized in his county," but Section 25, Chapter 10, 1887, and Section 5, Chapter 11, 1889, substituting another section for Section 25, repeal the said Section 10, and all other parts of said Chapter 71, Consolidated Statutes of New Brunswick, 1877, inconsistent with said Chapters 5 and 11 of 1887 and 1889 respectively, as will be shown hereinafter.

Section 10, registry by clerk of the peace.
See post, page 30.

Section 11 of said Chapter 71 reads:—

"A copy of the record of the certificates, certified by the clerk of the peace, shall be evidence of the marriage without further proof." The certificates in this section intended are certificates mentioned in Section 10 of Chapter 71, but Section 10 is repealed, as hereinafter.

Notice the remarks on pages 30 and 31 hereof.
Evidence of marriage.

Section 12 reads:—

"All marriage licences shall be issued from the office of the provincial secretary, under the hand and seal of the Lieutenant Governor, or of the person administering the Government of this Province for the time being; the provincial secretary may issue such licences in blank, marked with the number and date of issuing, but shall keep a register thereof, showing the date and person to whom issued."

Marriage licences, how issued from the office of the provincial secretary.

Section 13, reads:—

"The Governor in Council shall appoint one or more persons in every county in the Province, not being ministers of religion, to issue marriage licences, and take the necessary bonds, under such regulations as may be prescribed, which bonds shall be transmitted on or before the 1st day of January in every year to the office of the provincial secretary to be filed."

Issuers of marriage licences.

Section 14, said Chapter 71:—

"Providing for the transmission by the clerk of the peace to the provincial secretary of a list of the persons certified to have been married in the year preceding, specifying whether by licence or banns, is repealed by Section 25 of Chapter 5, 1887, the provisions of which Chapter 5 affecting said Chapter 71 will be hereinafter further noticed.

Transmission of a list, &c., by clerk of the peace to provincial secretary.

Section 15 of said Chapter 71:—

Providing for the transmission of lists by parties authorised to solemnize marriage, annually to the provincial secretary, is also repealed by said Section 25, Chapter 5, 1887, which Chapter 5 will be hereinafter further noticed.

Notice the remarks on post, pages 30 and 31 hereof.

Transmission by parties authorised to solemnize.

See post, pages 30 and 31.

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What marriage
not void for want
of licence.

Section 16 of said Chapter 71, reads:—

"No marriage intended to be celebrated by licence, and actually solemnized before the passing of this chapter, shall be void or voidable because no licence therefor had been previously obtained, if no other impediment or lawful hindrance existed at the time of its celebration."

Section 17, Chapter 71, reads:—

Fee for celebrating
marriage 50 cents.
But notice s. 10 and
s. 25 of c. 5, 1887.

"The clergyman or other person celebrating any marriage may demand and receive from the parties for preparing and transmitting the certificate of the marriage to the clerk of the peace the sum of 50 cents." Section 10, Chapter 5, 1887, noticed hereinafter, makes this forwarding of certificate unnecessary.

Section 18:—

Fee of 50 cents to
clerk of the peace
repealed.
Notice post, pages
30 and 31.

Providing a fee of 50 cents to the clerk of the peace for registering and filing certificates of marriage transmitted to him for registry, is also repealed by Section 25 of Chapter 5, 1887, to be further noticed hereinafter.

Chapter 5, of 1887, being:—

Amendments of
Chapter 71.

"An Act to provide for the Registration of Births, Deaths, and Marriages," in so far as it concerns marriages, makes amendments in the said Chapter 71, Consolidated Statutes of New Brunswick, while Chapter 11, 1889, amends the said Chapter 5, of 1887. Hence both of these Acts require to be noticed so far as they affect Chapter 71 aforesaid

Section 2 of said Chapter 5, 1887:—

Registrar General
and division
registrar.

Makes the provincial secretary Registrar General for the Province, and directs the appointment by the Governor in Council of a division registrar for each registration division of the Province.

Section 3:—

Registration
division.

Makes each county and the city and county of Saint John a registration division.

Section 4:—

Registrar General
to prescribe books
and forms.

Directs that the Registrar General shall prescribe the forms, &c., for the division registrars to be provided by the city or county council.

Section 5:—

Duties of division
registrar.

Prescribes the duties of the division registrar, who is to receive and take charge of the books and forms, make all entries therein as required by the Act, make returns to the Registrar General, on or before the 1st day of June and December in each year, or at such other dates as the Lieutenant Governor in Council may prescribe, of the forms containing the original entries certified under his hand of the births, marriages, and deaths of the previous six months. "And in the case of marriages, shall forward the Registrar General all original certificates and returns received by him from the persons celebrating such marriages during the previous six months, also certified under his hand to be the original certificates and returns received by him as aforesaid, and shall retain a true duplicate of the whole to remain of record in his office."

Section 6, Chapter 5, 1887:—

Prescribing the duties of ministers, &c., as to the registry of marriages, is replaced by Section 3, Chapter 11, 1889, which substitutes another section which, divested of its reference to births and deaths, directs, in substance, that—

Clergymen, &c., &c.,
to make returns and
be paid 5 cents for
each return,
inclusive of postage.

Every clergyman, teacher, minister or other person who shall solemnize a marriage in New Brunswick, shall keep a registry showing the persons whom he has married and such clergyman, teacher, minister or other person shall make return of and marriages not less frequently than every three months, according to the forms prescribed, so far as they are able to fill up the same; and such clergyman, teacher, minister or other person in this section named, furnishing to the registrar the information and returns provided by law in respect to and marriages, shall be paid by the Treasurer of the county (on the certificate of the division registrar of the

services

services performed and entitled to be paid for), five cents for the return of each such marriage which sum shall include charges for postage."

CANADA.

Section 10 of said Chapter 5, 1887, directs that:—

"Every clergyman, minister, or other person authorized by law to celebrate marriages, shall be required to report each and every marriage he celebrates to the registrar of the division within which such marriage is celebrated within 90 days from the date of such marriage, with the particulars required by Schedule B. appended to this Act, including the certificate of such marriage, as required by Section 8 of Chapter 71 of the Consolidated Statutes," &c. The division registrar of the division in which he resides is to furnish the said clergyman, minister, or other person with blank forms containing the particulars required by the said Schedule B; "but it shall not be necessary for the person celebrating any marriage to forward a certificate thereof to the clerk of the peace, as required by Sections 8 and 9, Chapter 71 of the Consolidated Statutes."

Clergymen to report marriages.

The particulars required to be given by the said Schedule B. (in tabular form) are: Bridegroom's name, age, residence when married; place of birth; bachelor or widower; rank or profession; name of parents; bride's name; age; residence when married; place of birth; spinster or widow; name of parents. There are also columns for "names of witnesses, residence of witnesses; date of marriage; religious denomination of bridegroom; ditto of bride; by whom married; by licence; by banns; remarks." Appended to this Schedule (and apparently a part of it) is the following certificate:

Particulars of Schedule B.

"I hereby certify the foregoing to be true and correct entries of all marriages returned to me for the half-year ending the . . . day of . . . A.D. 18 . . .

Division Registrar of"

Section 15, Chapter 5, of 1887:—

Provides for the correction of errors in any entry of marriage giving authority to the division registrar within one year after entry to "enquire into the same, and if satisfied that an error has been committed in any such entry it shall be lawful for him to correct the erroneous entry according to the truth of the case, by entry in the margin, without any alteration in the original entry, and having made such correction, he shall, if the original entry of the marriage so corrected has been returned as hereinbefore provided, report the same according to the facts of the case to the Registrar General, whose duty it shall be to correct such erroneous entry in the margin of the book or form containing the original entry."

Correction of errors

Section 16, Chapter 5, 1887:—

Prescribes a penalty for neglect of division registrar to perform his duty, making him liable, upon conviction before any justice of the peace, to the penalty of 50 dollars to Her Majesty for every such offence, and making it the duty of the clerk of the county court in such county to prosecute, "when notified by the Registrar General, or other party."

50 dollars penalty.

Section 17, Chapter 5, 1887:—

Makes it the duty of the Registrar General to keep returns arranged, indexed, and bound, in his office.

Registrar General to keep returns of marriage

Section 18 of said Chapter:—

Gives access to all persons, at all reasonable hours, to search these records, and entitles them for 25 cents. to certified extracts, certified by either the general or divisional registrar, "which extract shall be evidence of the entry certified, and *prima facie* evidence in any Court of Law or Equity in this Province, of the facts therein stated."

Searches of records, &c.

Section 19 of said Chapter 5, 1887:—

Directs that the Registrar General shall make a yearly report for the use of the Legislature, as to the preceding year, giving such statistics as the Lieutenant Governor in Council may think necessary.

Yearly reports by the Registrar General.

CANADA.

Lieutenant Governor may make further regulations.

Section 20 of said Chapter :—

Sets forth that the Lieutenant Governor in Council may make further regulations, &c, for obtaining the information required by the Act.

Penalty for false statements.

Section 21 of said Chapter :—

Prescribes a penalty of 40 dollars for any false (knowing and wilful) statement as to any of the particulars "required to be reported and entered under this Act, to be recovered before any justice of the peace.

Penalty for refusal to report.

Section 22 of said Chapter :—

Prescribes a penalty for refusal or wilful neglect on the part of persons required by the Act to report within the time named of not less than one dollar or more than 20 dollars and costs, in the discretion of the presiding justice; and the division registrar's duty is to prosecute all "such persons so neglecting or refusing to make the required reports; but if the return required by this Act to be made by more than one person is made by any one of such persons, the others of such persons shall not be liable to any penalty in respect to their default."

Exceptional clause of Section 22 aforesaid.

Section 23 of said Chapter 5 :—

Procedure and payment of penalty, except as in Section 16.

Prescribes the procedure as to offences against the Act, the levy of penalties by distress and sale, in case of non-payment forthwith, and imprisonment for not less than one day nor more than twenty days, at the justice's discretion, in default of payment or sufficient distress. The penalty when recovered shall be paid over by the justice "one-half to the person complaining, and one-half to the local municipality within which the offence is committed," except as provided in Section 16 above referred to.

See post, page 31, referring to Section 25 of said chap. 5, 1887.

For Section 3, Chapter 11, 1889, see *ante* page 28.

Section 4 of Chapter 11, 1889 :—

Fees for registering.

Replaces Section 24, Chapter 5, 1887, making provision as to fees for registering, the substituted section being to the effect that "every municipality in New Brunswick shall pay yearly to the division registrar, "in addition to any outlay for postage, blank forms or stationery furnished by him to the clergymen" . . . a fee of 10 cents for each . . . marriage registered by him under the Registration Act, upon receiving from the Registrar General a certificate of the number of registrations made by such registrar. Fredericton City must pay back to the county Treasurer the registration fee in respect of any . . . marriage of an inhabitant of the city.

For Section 5, Chapter 11, 1889, see page 31.

Section 6 of said Chapter 11, 1889, reads :—

Evidence of marriage.

A copy of the record of any marriage certificate registered under the Consolidated Statutes, Chapter 71, or any Act previous thereto, certified by the clerk of the peace of the county in which the same is registered, and a copy of any marriage certificate registered under the Registration Act, certified by the division registrar or provincial registrar, or the deputy of the provincial registrar, shall be evidence of the marriage without further proof."

Section 7, Chapter 11, 1889 :—

Subdivisions may be made.

Gives power to the Governor in Council to sub-divide existing divisions, and appoint a division registrar for each sub-division.

It appears that the principal effect of these two Acts, Chapter 5, 1887, and Chapter 11, 1889, of the New Brunswick Statutes is to repeal all parts of Chapter 71 of the Consolidated Statutes of New Brunswick inconsistent therewith, and Sections 10, 11, 14, 15, and 18 of the principal Act, said Chapter 71, are expressly repealed by Section 25 of said Chapter 5, 1887, but Section 5 of Chapter 11, 1889, substitutes the following for said Section 25 :

"25 Sections 10, 14, 15, and 18 of Chapter 71 of the Consolidated Statutes, 'Solemnization of Marriage,' and all other parts of the said Act inconsistent herewith are hereby repealed."

The

The only difference between this repealing section and the former repealing section (Section 25, Chapter 5, 1887) is that the latter Section 5, Chapter 11, 1889, omits Section 11 from the list of repealed sections. It is not clear, at least as clear as desirable, what other portions of said Chapter 71 are inconsistent with said amending Acts, but it is not deemed necessary to enter into that question in this instance further than to draw attention to the fact that Section 17 of Chapter 71, already quoted, provides a marriage fee of 50 cents. to the clergyman or other person celebrating any marriage for transmitting the certificate of the marriage to the clerk of the peace, and that Section 10, Chapter 5, 1887, already quoted above, makes it "unnecessary for the person celebrating any marriage to forward a certificate thereof to the clerk of the peace, as required by Sections 8 and 9 of Chapter 71 of the Consolidated Statutes." Section 3 of Chapter 11, 1889, above referred to, replacing Section 6 of Chapter 5, 1887, provides a fee of 5 cents. for every clergyman, &c., for each marriage return, said fee to be inclusive of postage (see *ante*, pp. 28, and 30). It will be necessary, also, to compare Section 6 of Chapter 11, 1889, above quoted, with Section 11 of Chapter 71, above quoted, and it is to be noticed, also, that the certificates referred to in said Section 11 are certificates mentioned in Section 10 of said Chapter 71, which said Section 10 has been repealed, as mentioned in the preceding page.

PROHIBITORY MARRIAGE LAWS OF NEW BRUNSWICK.

From the Appendix to the Consolidated Statutes of New Brunswick, 1877, the following chapter is transcribed. The said Appendix purports to contain "Unrepealed Public Acts of the General Assembly, certain of which relate to subjects wholly or in part within the jurisdiction of the Parliament of Canada, or to subjects of doubtful jurisdiction, and, also, certain Imperial Acts"; Revised Statutes; Title XXXIX., Chapter 146; of Offences against the Law of Marriage.

Sections :—

- (2.) Unauthorized person celebrating or assisting at a marriage.
- (3.) Authorized person celebrating without banns or licence.
- (4.) Penalty for not signing certificate, &c.
- (5.) Penalty for receiving fee for marriage licence, when.

2. Whoever, not being duly authorized, shall presume to solemnize, or assist in the solemnization of any marriage between any persons whomsoever, shall be guilty of a misdemeanour, and shall be imprisoned for any term not exceeding 12 months, and pay a fine not exceeding 100*l*.

3. Whoever, being duly authorized, shall solemnize marriage between any persons whomsoever, before proclamation of banns according to law, unless a licence for such marriage be first duly obtained, or shall knowingly solemnize marriage where either party is under the age of 21 years, without the consent of father or guardian, shall be guilty of a misdemeanour, and shall pay a fine of 20*l*. The prosecution for such penalty to be commenced within 12 months from the committing of the offence.

4. Whoever shall refuse to make or sign the certificate of marriage required by law, or shall neglect to transmit the same, when signed, to the clerk of the peace, or to register the same when received, shall for each offence forfeit the sum of 20*l*.

5. No person shall receive a fee for any marriage licence until the delivery of the licence to the party applying for the same, under the penalty of 20*l*.

MARRIAGE LAWS OF MANITOBA.

Manitoba.
Revised Statutes,
Vol. 11, 1891.

Chapter 94 of the Revised Statutes of Manitoba, containing 29 sections, is
"An Act respecting the Solemnization of Marriages."

Short Title.

Short title.

1. This Act may be cited as "The Marriage Act."

Interpretation.

Interpretation.

2. In this Act, unless the context otherwise requires the expression "minister" or "clergyman" includes any person authorized to perform the ceremony of marriage. 53 Vict. c. 36, s. 1.

Who may Perform Ceremony.

Who may perform
marriage ceremony.

3. The ministers and clergymen of every church or religious denomination duly ordained or appointed according to the rites and ceremonies of the churches, denominations, or religious bodies to which they respectively belong, may, by virtue of such ordination or appointment, and according to the rites and usages of such churches, denominations, or religious bodies respectively, solemnize or perform the ceremony of marriage between any two persons not under a legal disqualification or disability to contract such marriage. 53 Vict., c. 36, s. 2.

Licence.—Banns.

Marriage ceremony
not to be performed
without licence or
banns.
Proclamation of
banns.

4. No minister or clergyman shall celebrate the ceremony of marriage between any two persons unless said persons have obtained a licence therefor, duly authorized under the hand of the Minister or Acting Minister of Agriculture and Immigration in the form given in Schedule A to this Act, or unless the intention of the two persons to intermarry has been proclaimed once openly, and in an audible voice, either in the church, chapel, or meeting-house in which one of the parties has been in the habit of attending worship, or in some church, chapel, meeting house, or place of public worship of the congregation or religious community with which the minister or clergyman who performs the ceremony is connected, in the municipality, parish, circuit, or pastoral charge where one of the parties has, for the space of at least 15 days immediately preceding, had his or her usual place of abode; such proclamation to be made on a Sunday, immediately before the service begins, or immediately after it ends, or at some intermediate part of the service. 53 Vict., c. 36, s. 4.

Banns may be
dispensed with.

5. It shall be competent for the head of the church or congregation to which one of the parties belongs to grant a dispensation of such banns, according to the rites and usages of such church or congregation; and such dispensation shall have the same effect as a marriage licence issued under this Act, and the same fee exacted for a marriage licence shall be payable to the treasurer of the province in connection with such dispensation. 53 Vict., c. 36, s. 4.

Issue of licences.

6. Such licences shall be issued from the Department of Agriculture and Immigration, and shall be furnished to persons requiring the same by such persons as the Lieutenant Governor in Council may name for that purpose. 53 Vict., c. 36, s. 5.

Execution of
licences.

7. Such licences shall be executed under the hand of the Minister or acting Minister of Agriculture and Immigration, and shall be and remain valid, notwithstanding that the Minister, or acting Minister of Agriculture and Immigration, has ceased to hold office before the time of the issue of the licence. 53 Vict., c. 36, s. 6.

Change of minister
not to invalidate
licence.

8. If any person issue any licence for the solemnization of marriage, without being authorised by the Lieutenant Governor in Council in that behalf, unless under the authority in the next section contained, he shall forfeit to Her Majesty the sum of 100 dollars for every licence so issued, 53 Vict. c. 36, s. 7.

CANADA.

Fine for issuing licence without authority.

9. Any issuer of marriage licences may, with the approval in writing of the Minister or acting Minister of Agriculture and Immigration, from time to time, when prevented from acting by illness or unavoidable accident, or where his temporary absence is contemplated, appoint by writing under his hand a deputy to act for him, 53 Vict. c. 36, s. 8.

Issuer may appoint deputy.

Section 10 in substance directs every deputy to sign his own and principal's name to licence, thus, "A. B., issuer of marriage licences, per C. D., deputy issuer," or to the like effect, but no irregularity in the issue of a licence by a deputy or issuer to "any person or persons obtaining the same or acting thereon in good faith shall invalidate a marriage solemnized in pursuance thereof."

Deputy to sign his own and principal's name to licence. Irregularity not to invalidate ceremony.

11. Every issuer of licences aforesaid, or any other person having unissued licences in his possession, power, custody, or control, shall, whenever required so to do, transmit to the Department of Agriculture and Immigration every such licence, and the property in all unissued licences shall be and remain in Her Majesty, 53 Vict. c. 36, s. 10.

What necessary to procure Licences.

12. Before any licence is granted by any issuer or deputy issuer, one of the parties to the intended marriage shall personally make an affidavit which shall state,—

(a) In what municipality it is intended that the marriage shall be solemnized, and in what city, town, village or place in the municipality, and,

(b) That he or she believes that there is no affinity, consanguinity or other lawful cause or legal impediment to bar or hinder the solemnization of the marriage, 53 Vict. c. 36, s. 11 (part).

13. In case either of the parties, not being a widower or widow, is under the age of 21 years, the affidavit aforesaid shall further state that the consent of the person whose consent to the marriage is required by law has been obtained thereto, 53 Vict. c. 36, s. 11 (part).

Additional requirements when party under 21.

14. If there be no person having authority to give such consent, then upon oath made to that effect by the party requiring the licence, it shall be lawful to grant the licence, notwithstanding the want of any such consent, 53 Vict. c. 36, s. 11 (part).

Provision when no one has authority to consent.

15. The affidavit aforesaid may be in the form set forth in Schedule B. to this Act, and may be made before the issuer of licences or his deputy, 53 Vict. c. 36, s. 11 (part).

Form of affidavit.

16. In case the person having authority to issue the licence has personal knowledge that the facts are not as the 12th, 13th and 14th sections of this Act require, he shall not issue the licence; and if he have any reason to believe or suspect that the facts are not as aforesaid, he shall, before issuing the licence, require further evidence to his satisfaction, in addition to the said affidavit or deposition, 53 Vict. c. 36, s. 12.

Further evidence may be required.

17. The father, if living, of any party under 21 years of age, not being a widower or a widow, or, if the father be dead, the guardian or guardians of the person of the party so under age, lawfully appointed, or one of the guardians if there be more than one, or, in case there be no such guardian, then the mother of the minor, shall have authority to give consent to the marriage, 53 Vict. c. 36, s. 13.

Who may consent to marriage.

18. Every issuer of any marriage licence shall be entitled to demand and receive from the person requiring the same the sum of two dollars and fifty cents, out of which he shall retain for himself the sum of one dollar, and shall pay the remainder over to the Provincial Treasurer as often as he has five dollars or more of such moneys in his hands, 53 Vict. c. 36, s. 14.

Fees for marriage licences.

CANADA.

Marriage—Certificate—Register.

Marriage need not be in consecrated church, &c.

19. It shall not be a valid objection to the legality of a marriage that the same was not solemnized in a consecrated church or chapel, or within any particular hours, 53 Vict. c. 36, s. 15.

Clergyman on demand to grant a certificate of marriage.

20. Every minister or clergyman who celebrates a marriage shall, if required at the time of the marriage by either of the parties thereto, give a certificate of the marriage under his hand, specifying the names of the persons married, the time of the marriage, and the names of two or more persons who witnessed it, and specifying also whether the marriage was solemnized pursuant to licence under this Act, or after publication of banns, and the minister or clergyman may demand one dollar for the certificate given by him from the person requiring it, 53 Vict. c. 36, s. 16.

Fee therefor.

Clergyman to enter marriage in register.

21. Every minister or clergyman shall, immediately after he has solemnized a marriage, enter in a book, to be kept by him for the purpose, a true record of the marriage, which record shall specify all the particulars required by Schedule B. to "The Vital Statistics Act," 53 Vict. c. 36, s. 17.

Municipal clerks to furnish clergy with register.

22. Each municipal clerk shall, at the expense of the municipality of which he is clerk, from time to time, on demand, furnish all ministers or clergymen exercising the functions of their ministry within the municipality with registers in which to keep the records, as provided in the preceding section hereto, 53 Vict. c. 36, s. 18.

Who shall own registers.

23. The registers mentioned in the next preceding section, by whomsoever furnished, shall be the property of the church or denomination to which the minister or clergyman, clerk or secretary, belongs at the time of the first marriage which he records therein, 53 Vict. c. 36, s. 19.

Particular Bodies or Congregations.

Society of Friends.

24. Every marriage duly solemnized between members of the Religious Society of Friends, commonly called Quakers, according to the rites and usages thereof, shall be valid; and all the duties imposed by this Act or "The Vital Statistics Act" upon a minister or clergyman shall, with regard to such marriage, be performed by the clerk or secretary of the society, or of the meeting at which the marriage is solemnized, 53 Vict. c. 36, s. 20.

Disciples of Christ.

25. This Act shall be deemed to apply to the churches or congregations of religious people commonly called or known congregationally as "Congregations of God" or "of Christ," and any elder, evangelist, or missionary, for the time being, of any such church or congregation who from time to time is chosen by any such congregation for the purpose of the solemnization of marriages, shall be deemed to have, for the time being, the authority of a minister or a clergyman under this Act, and within the meaning thereof, 53 Vict. c. 36, s. 21, s.s. 1.

Duties of such elders, &c.

26. All the duties imposed upon, and rights given to, ministers and clergymen by this Act, or by "The Vital Statistics Act," are hereby imposed upon and given to such elders, evangelists or missionaries as aforesaid, 53 Vict. c. 36, s. 21, s.s. 2.

Saving Clauses.

Immunity of clergymen.

27. No minister or clergyman who performs any marriage ceremony, after banns published, or after a licence under this Act issued, shall be subject to any action or liability for damages or otherwise by reason of there having been any legal impediment to the marriage, unless at the time when he performed such ceremony he was aware of the existence of such impediment, 53 Vict. c. 36, s. 2.

Retroactive provisions.

28. Every marriage heretofore solemnized in this Province by any minister or clergyman of any religious denomination as aforesaid, under and by virtue of

of any licence or certificate, and whether such licence or certificate shall have been formally issued or not, and whether or not the formalities required by this Act, or by any Act now, or which has at any time heretofore been, in force in respect to marriage licences or certificates, and any ceremony of marriage performed by or in presence of any magistrate or justice of the peace in any case where there was no person duly authorized to solemnize marriage within 50 miles from where the contracting parties resided, in pursuance of which the parties intended to assume and did thereafter assume towards each other the position of husband and wife, shall be considered, and the same is hereby, so far as within the competence of this Legislature to enact, declared to have been and to be a valid, lawful, and binding marriage, 53 Vict. c. 36, s. 23.

Prosecutions.

29. Any prosecution under this Act for the recovery of a penalty may be brought and heard before any police magistrate or justice of the peace, and any police magistrate or justice of the peace shall have power to award payment of costs in addition to the penalty. The penalty, when recovered, shall be paid over by such justice or police magistrate to the Provincial Treasurer; and, in default of payment, the offender shall, by warrant signed and sealed by the police magistrate or justice of the peace, be imprisoned for a period of not less than one day nor more than six months, at the discretion of such justice or police magistrate, unless the penalty and costs be sooner paid. 53 Vict. c. 36, s. 24. *Prosecutions.*

MARRIAGE LAWS OF MANITOBA, SO FAR AS AFFECTED BY "THE VITAL STATISTICS ACT."

Chapter 149 of the Revised Statutes of Manitoba, 1891. The said Chapter 149 has reference to the registration of births, marriages, and deaths.

Section 1 :—

Gives the short title of the Act.

Short title.

Section 2 :—

Gives the interpretation of certain terms, and for that purpose has five sub-sections. Then comes the "Duties of Municipal Officers." *Interpretation.*

Section 3 :—

Directing that "Each municipality shall be a separate division for the registration of vital statistics" by municipal clerks, each clerk being for the municipality of which he is clerk. *Municipal clerks to be municipal registrars.*

Section 4 :—

Directs that the Department, meaning that of Agriculture and Immigration, is to supply forms to clerks, the costs thereof, and of their distribution, to be paid out of the Consolidated Revenue Fund of the Province. The clerk's successors take over the papers and other matters pertaining to their duties under this Act. *Forms.*

Section 5 :—

Directs that municipal clerks are to make semi-annual returns (on or before the 15th of January and July in each year). *Semi-annual returns.*

Section 6 reads :

"6. The slips containing the original returns sent in to municipal clerks shall be preserved by them among the archives of their respective municipalities. 55 Vict. c. 29, s. 2 (part)." *Preservation of same.*

CANADA.

Section 7 :—

Penalty for neglect of duty.

Provides a penalty of 100 dollars for refusal or for neglect of duty by municipal clerk, municipal treasurer, or assessor, the duty of the inspector being to prosecute any such clerk, or assessor, so in default.

Section 8 :—

Clerk's fees.

Provides a fee of (25 cents) twenty five cents to the clerk for each marriage registered by him, the municipality to pay the amount so due upon receiving a certificate from the inspector of the number of registrations so made. Postage and stationery, and expenses for other matters under the Act, are to be paid to him by the municipality of which he is clerk.

Section 9 :—

Appointments, rules, and regulations by Minister.

Provides for the appointment by the Minister of Registrars of Vital Statistics in certain unorganized districts, and his (the Minister's) defining limits of their jurisdiction, and makes necessary regulations for securing correct records.

Section 10 :—

Powers and duties of such appointees.

Gives the same powers and subjects to the same incidents as municipal clerks, registrars so appointed.

Section 11, reads :—

Registration in unorganised districts.

"Persons residing in an unorganised district may effect registrations of births, marriages, and deaths, with the clerk of any municipality contiguous to the district in which they reside. 53 Vict. c. 29, s. 3 (part)."

Section 12 :—

Clergymen to keep registers, &c.

Among other things, directs that authorized clergymen or other persons authorized to marry shall keep registers furnished them.

Section 13 :—

Municipalities to furnish register.

Provides that municipalities are to furnish the required registers.

Section 14 :—

Property in registers.

Prescribes the property in registers to be in the church to which the clergyman or minister belongs at the time of the first marriage, and that thereafter they shall be kept as a record in the said church, "or, in case of the abandonment of the said church, the said books shall be filed with the Department."

Passing three sections applicable only to "Births," 15-16-17.

Section 18, reads :—

Officiating clergymen, *et al.*, to report.

"Every clergyman, minister, or other person authorized by law to celebrate marriages, shall be required to report each marriage he celebrates to the clerk of the municipality within which such marriage is celebrated within 30 days from the date of such marriage, with the particulars required by Schedule B. to this Act; and in order the better to enable the said clergyman, minister, or other person, to make such report as aforesaid, he shall be furnished, on demand, by the clerk of the municipality in which he resides, with blank forms containing the particulars required by such form. 53 Vict. c. 29, s. 7."

Passing inapplicable sections.

Section 27 :—

Application to particular bodies.

Directs that Jews, Quakers, *et al.*, are to comply with the Act.

Section 28 :—

Penalty for neglect of registration under the Act.

Provides a fine of not less than five dollars nor more than 25 and costs for refusal or neglect to report or record facts relating to marriage within the time named, municipal clerks' duty being to prosecute, but it is competent for persons other than the said clerks to prosecute.

Section 29 :—

Corrections within one year after discovery.

Provides for correction of errors in entry, &c.

Section 30 reads :—

CANADA.

" Every registration of a birth, death or marriage, shall be made within the time aforesaid ; but nothing herein contained shall prevent the subsequent registration of such birth, death, or marriage, within the period of two years. After the expiration of two years next after any birth, marriage or death, or next after the finding of a dead body elsewhere than in a house, the particulars of the birth, marriage or death shall not be registered, except with the written authority of the Minister ; and the fact of such authority having been given shall be entered in the column set apart for remarks in the requisition form, 53 Vict., c. 29, s. 16."

Provision for registration after two years.

Section 31 :—

Provides for the returns of marriages, as transmitted by the municipal clerks to the Department, being bound, indexed and kept in the archives of the Department. It also provides a fee of twenty-five cents (25 cents) for each search, and also a fee fifty cents (50 cents) for each certificate duly signed by the minister or inspector. Any municipal clerk can permit such searches and give such certificates for the like fees before returns are transmitted to Department, but not after they should have been so transmitted. Certified extracts shall be evidence of the entry and *prima facie* evidence in any court of law or equity of the facts therein stated.

Vital Statistics Returns to be kept in Department.

Fees for search and certificate.

Section 33 :—

Directs, among other things, that there shall be printed on the back of the assessment and tax notices required under the provisions of " The Assessment Act," a summary of registration clauses as regards the duty of the general public in reference to the registration of births, marriages or deaths.

Summary of registration clauses or assessment and tax notices.

Sections 34 and 35 :—

Have reference to all registers. By Section 34 certain old registers and records are to be authentic and official. By Section 35, original registers or books containing copies of records as aforesaid, the word " aforesaid " referring to the provisions of Section 34, are not to be subject to production under any summons or process in any court, but attested copies and certified extracts may be used " in all cases in which the original records, books, or registers could be evidence."

Original registers not subject to production under process of court.

Attested copies may be used.

Section 36 makes Section 31 apply to such registers, &c.

Section 31 applies to such registers, &c.

By Section 37 :—

The Lieutenant Governor in Council may make rules and regulations.

By Section 38 :—

All returns and all matters required to be transmitted to the Department shall be mailed and registered. " Evidence of mailing in this manner shall be proof of transmission, and no other evidence shall be accepted in defence of any prosecution for non-performance of duty.

Returns to be registered.

Penalties and Prosecutions.

Section 39 :—

Provides a penalty of forty dollars (\$40) for any false statement knowingly and wilfully made, the conviction to be before any police magistrate or justice of the peace.

Penalty for false statements.

Section 40 :—

Provides that the place of offence shall be the place in which the same was actually committed, or any place in which the person charged happens to be.

Place of offence for the purpose of proceedings.

Section 41 :—

Directs that prosecutions are to be brought and heard before any police magistrate or justice of the peace, and any police magistrate or justice of the peace " shall have power to award payment of costs in addition to the penalty."

Before whom prosecutions to be brought.

CANADA.

Section 42 :—

Disposition of penalties.

Provides that the penalty, when recovered, shall be paid only by such justice or police magistrate, one-half to the complainant and one-half to the Treasurer of the municipality where the offence was committed, and in default of payment the offender is to be imprisoned for not less than one day nor more than three months, unless the penalty and costs be sooner paid.

Section 43 reads :—

Formal defects not to affect.

"No conviction, warrant of commitment, order or any other proceeding, matter or thing made, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form or for any defect which does not substantially affect the justice of the case, or be removed or removable, by *certiorari* or other writ or process whatsoever, into any Superior Court, 53 Vict., c. 29, s. 26."

MARRIAGE LAWS OF BRITISH COLUMBIA.

Chapter 79, having 26 sections, is an Act to regulate the solemnization of Marriage.

Short Title—"Marriage Act."

Section 2 reads :—

Authorises Lieutenant Governor to issue licences.

2. "Licences authorising the celebration of marriage in this Province may be under the hand and seal of the Lieutenant Governor, or his Deputy duly authorised in that behalf, 1879, c. 27, s. 1."

Licences to be valid, though officials who signed them have ceased to hold office before the same were issued.

3. Every such licence executed under the hand and seal of the Lieutenant Governor, or his Deputy duly authorised in that behalf, shall be and remain valid, notwithstanding that the Lieutenant Governor, or Deputy, has ceased to hold office before the time of the issue of the licence, 1879, c. 27, s. 2.

Who may celebrate marriage.

4. The ministers and clergymen of every church and religious denomination in British Columbia, and the Registrars appointed by the Lieutenant Governor in Council under this Act, may celebrate a marriage between any two persons, neither of whom shall be under a legal disqualification to contract such marriage, R. L. No. 89, s. 2.

Ministers by the usual licence or banns.

5. Such ministers or clergymen may celebrate a marriage, according to the rites and usages of the church or denomination to which they respectively belong, between any two such persons, when authorised to do so by licence, under the hand and seal of the Lieutenant Governor or his deputy, or (if not so authorised) then, except as hereinafter enacted, by the publication of the banns of such marriage openly, and in an audible voice, in any church, chapel, or place of public worship of the congregation or religious community with which the minister or clergyman is connected, on three consecutive Sundays, during divine service, together with the number of such proclamation as being the first, second, or third time of asking, R.L. No. 89, s. 3.

Civil marriage before a registrar. Notice.

6. In the event of any parties objecting to, or not being desirous of adopting, either of the above modes of marriage, then, and in that case, notice in writing in the form prescribed in Schedule B. hereto, must be given to the registrar of the district where such parties propose to marry, at least 14 clear days immediately preceding the day of the intended marriage, and a declaration in the form prescribed in Schedule A. hereto, of non-disqualification must be made signed by each of the parties so proposing to marry; at the same time such notice and declaration shall be entered in a book to be kept for that purpose by the registrar in his office, which shall be open to the inspection of the public, R.L. No. 89, ss. 4 & 15.

Registrar's certificate.

7. Upon the due compliance of the parties with the provisions of the last preceding section the registrar shall give a certificate of such compliance in the form mentioned in Schedule C. hereto, R.L. No. 89, s. 5.

8. After

8. After the expiration of the said period of 14 days, marriage may be contracted in the office of the said registrar, according to the form in the manner hereinafter mentioned, but not otherwise: Provided, nevertheless, that the marriage shall be contracted with open doors, between the hours of 10 a.m. and 4 p.m., in the presence and in the office of the registrar of the district, and in the presence of two or more credible witnesses: Provided, that in the presence of such registrar and witnesses each of the parties shall declare: "I do solemnly declare that I know not of any lawful impediment why I, A. B., may not be joined in matrimony to C. D.," and each of the parties shall say to the other: "I call upon these persons here present to witness that I, A. B., do take thee, C. D., to be my lawful wedded wife (or husband):" Provided, also, that there be no lawful impediment to the marriage of such parties, R. L., No. 89, s. 6.

9. Nothing herein contained shall be construed as enabling any religious ceremony of marriage to be solemnized under, or by virtue of, a civil contract of marriage, made as herein provided, through a registrar, but all persons desirous of being married by religious ceremony can only be so married after the licence or publication of banns as aforesaid, R. L., No. 89, s. 7.

10. All marriages celebrated under the provisions of this Act, by any clergyman, minister, or registrar, must be in the presence of two or more credible witnesses besides himself, and such ceremony must be performed in a public manner, and with open doors (save where otherwise permitted by licence), R. L., No. 89, s. 9.

11. Nothing in this Act shall be construed as in any way preventing the people called Quakers, or those professing the Jewish religion, from celebrating marriage, where both the parties shall be of the people called Quakers, or persons professing the Jewish religion respectively, according to the rites and ceremonies of their own religion or creed. Provided, always, that all such Quakers and Jews shall before marriage give the notice, and make and sign the declaration of non-disqualification by this Act prescribed, and comply with all the requirements as to registration hereinafter mentioned, R. L., No. 89, s. 12.

12. It shall be lawful for the Lieutenant Governor in Council to nominate and appoint from time to time, as occasion may require, such and so many persons to be registrars in the province of British Columbia as he shall think fit and necessary for the purpose of this Act; and such persons respectively shall have authority to receive and take the statutory declaration in Schedule A, hereto, as well as to perform the other duties to be performed by them under this Act, 1872, No. 20, s. 1.

13. Every such registrar before delivering the usual licence under the hand and seal of the Lieutenant Governor to one of the parties intending to marry and applying for the same, shall require him or her to make and subscribe before such registrar the statutory declaration in Schedule A hereto, or shall receive such statutory declaration made and subscribed before either a judge of any court, a notary public, or a justice of the peace, of this Province or of any county or electoral district thereof, who is hereby authorised to take the same and shall demand and receive from him or her the sum of five dollars, 1872, No. 20, s. 2.

14. The registrar of the district shall be entitled for every marriage which shall be contracted under this Act, in his presence and office, to receive from the parties married the sum of 10 dollars, to the use of Her Majesty, her heirs and successors, R. L., No. 89, s. 8.

15. All ministers, clergymen, and registrars shall, at the time of each marriage, enter a memorandum of such marriage in a book to be kept by them respectively for that purpose, and every such registration shall be signed by each of the parties, the minister, or registrar, or other duly authorised person officiating at the time, and witnessed by at least two credible witnesses, and shall be kept in the form of schedule D. hereto; all such registrations shall be open to the inspection of the public, and a certified copy of any such registration shall be given to any person demanding the same, on payment of 1 dollar, and certified copies of such register books shall be sent by each minister, clergy-

man, registrar, or other authorised person aforesaid, twice in each year, viz., on the 1st day of January and on the 1st day of July to the Registrar General, to be kept by him open for public inspection and to be copied as aforesaid, upon payment of the said fee, R. L., No. 89, s. 10.

Who may give consent.

16. The father, if living, of any party under 21 years of age, such party not being a widower or widow, or if the father shall be dead, the guardians or guardian of the person of the party so under age, lawfully appointed, or one of them, and in case there shall be no such guardian or guardians, then the mother of such party, if unmarried, and if there shall be no mother unmarried, then the guardian or guardians of the person appointed by the Supreme Court, if any or any one of them, shall have authority to give consent to the marriage of such party, and such consent is hereby required for the marriage of such party so under age, unless there shall be no person authorised to give such consent, R. L., No. 89, s. 20.

17. In case the father or fathers of the parties to be married, or one of them, so under age as aforesaid, shall be *non compos mentis*, or beyond the seas, or the guardian or guardians, mother or mothers, or any of them whose consent is made necessary as aforesaid to the marriage of such party or parties, shall be *non compos mentis*, or in parts beyond the seas, or shall unreasonably or from undue motives refuse or withhold his, her, or their consent to a proper marriage, then it shall and may be lawful for any person desirous of marrying in any of the before-mentioned cases, to apply by petition to a judge of the Supreme Court, who shall judicially declare the same to be so, and such judicial declaration shall be deemed and taken to be as good and effectual to all intents and purposes as if the father, guardian, or guardians, or mother of the person so petitioning had consented to such marriage, R. L., No. 89, s. 21.

Caveats.

18. Any person on payment of 2 dollars and 50 cents may enter a caveat with the registrar of the district against the issue of a certificate for the marriage of any person named therein, and if any caveat be entered with the registrar, and such caveat being duly signed by or on behalf of the person who entered the same, together with his or her place of residence, and the ground of objection on which his or her caveat is founded, no certificate shall issue or be granted until such registrar shall have examined into the matter of the caveat and is satisfied that it ought not to obstruct the grant of the certificate for the said marriage, or until the caveat be withdrawn by the party who entered the same, R. L., No. 89, s. 16.

Appeal from district registrar.

19. Provided always, that in case of doubt it shall be lawful for the registrar to refer the matter to the Registrar General, and in the event of the registrar deciding against the person entering the caveat, such person may appeal to the Registrar General, on giving notice of such intention within two clear days after such decision, and on giving bonds satisfactory to such registrar for security of costs within four days of such decision. Any person authorized to enter a caveat shall, in addition to making such caveat, write the word "forbidden" across the notice of marriage in the marriage notice book, and sign the same with his name, R. L., No. 89, s. 17.

Section 20:—

Registrar's certificate.

20. Every certificate or copy of any registration or document under this Act, certified by the clergyman or minister, Registrar General, or registrar extracting the same, shall be *prima facie* evidence of all the matters and things contained therein, R. L., No. 89, s. 11.

Banns, licence and certificate unused void after three months.

21. Whenever a marriage shall not be had within three calendar months after the date of the Lieutenant Governor's licence, or the complete publication of banns, or the issuing of a registrar's certificate of compliance with the provisions of this Act, such banns, licence, or certificate shall be absolutely void, and the application for authority to marry will have to be made afresh in manner prescribed by this Act, R. L., No. 89, s. 22.

Declares all prior marriages void, notwithstanding any defect in notice or publication of banns if the parties have cohabited as man and wife.

22. All marriages which have, before the 14th of March 1879, been celebrated within the Province by any person legally authorised to marry between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid so far as respects the civil rights in this Province of the parties or their

issue

issue, and so far as respects all matters within the jurisdiction of the Legislature of this Province, notwithstanding that the banns were not published for the number of times, or at the time and place, or in the manner, required by law, or that there was any other defect in the publication of the banns, or that no banns were published, or notwithstanding that there was any defect in the marriage licence, or that the marriage was celebrated without a licence, or notwithstanding any other non-compliance with the provisions of the "Marriage Ordinance, 1867," or the "Marriage Ordinance Amendment Act, 1872." Provided that the parties thereafter lived together and cohabited as husband and wife, and that the validity of the marriage has not hitherto been questioned at any suit at law or in equity; and provided further, that nothing in this Act contained shall extend, or be construed to extend, to make valid any marriage illegally solemnized where the parties to such illegal marriage, or either of them, has since contracted matrimony according to law, 1879, Chapter 27, s. 3.

23. In all matters relating to the mode of celebrating marriages or the validity and the qualification of parties about to marry, and the consent of guardians or parents, or any person whose consent is necessary to the validity of such marriage, the law of England shall prevail, subject always to the provisions of this Act, R. L., No. 89, s. 19.

In matters not herein provided for, the law of England to prevail.

24. All sums of money payable under this Act shall be appropriated to the use of Her Majesty, her heirs, and successors, 1872, No. 20, s. 25.

Appropriation of fees.

25. The schedules hereto, shall be part of this Act, R. L., No. 89, s. 23.

Schedules.

26. Any person who shall knowingly or wilfully make any false statement, or sign any false notice or certificate for the purpose of procuring any marriage, and every person who shall forbid the publication of banns or the issue of the ordinary licence herein, or of any registrar's certificate, by falsely representing himself, or herself, to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall be guilty of a wilful violation of this Act, R. L., No. 89, s. 13, R. S. Can. Sch. C.

False statement to be punished.

Appended to the Act is a Schedule A, being a declaration required by the Act; also appended are Schedules B and C; Schedule B being a notice of marriage, and Schedule C being a registrar's certificate, and the words, "This certificate will be void unless the marriage be celebrated on or before the _____ day of _____, 18____." R. L., No. 89, Sch. C," referring to or being a part of said registrar's certificate, or intended as an endorsement therefor, conclude the said Chapter 79.

Chapter 9 of the Statutes of British Columbia is an Act cited as the "Registration of Births, Deaths and Marriages Act," 1872, No. 26, s. 23.

Short title.

Section 2 defines "Occupier."

Section 3 has reference to the division of the Province into districts for the purposes of the Act and to the defining of boundaries, &c., by a notice published in the "British Columbian Gazette."

Districts.

Section 4 has reference to the appointment of district registrars, &c., the district offices to be under the superintendence of the Registrar General of Titles, thereafter to be called the Registrar General.

Registrars.

Section 5 has reference to books and forms to be supplied to the district registrars, which are to be prepared according to Schedules A., B., and C., appended to the Act, and the costs of which and the expenses for the distribution of which are made payable out of the Consolidated Revenue Fund of British Columbia.

Books and forms.

Section 6, as amended by Chapter 3 of 1890, and by Chapter 4 of 1893, reads:—

"6. The district registrars shall receive the books or forms sent by the Registrar General, and keep the same in a place of safety; make all entries therein as hereinafter required in this Act, and shall, on or before the 15th day of January in each and every year, make returns to the Registrar General of the original books or forms containing the original entries, certified under his hand

Returns of books and forms annually.

CANADA.

hand, of the registered births, marriages, and deaths of the preceding year; and such district registrar shall, on or before the 1st day of February in each year, transmit such returns to the Registrar General. 1872, No. 26, s. 4.— Provided always that any person shall be entitled at all reasonable hours to examine any such original books and forms, and to require and receive extracts therefrom, duly certified by the district registrar, which extracts shall be evidence of the entry or entries certified and *prima facie* evidence in any court of justice in this Province of the facts therein stated, and for every such certificate the person so requiring the same shall pay a fee of 50 cents." The proviso is the part added in amendment by Chapter 4 of 1893.

Passing on to Section 11, which is the next Section applicable to marriage registration, the said Section 11 reads:—

Registration of marriage.

"11. Every clergyman, minister, or other person authorised by law to celebrate marriages, shall be required to report each and every marriage he celebrates to the registrar of the district within which such marriage is celebrated, within 90 days from the date of such marriage, with the particulars required by Schedule B. appended to this Act. 1872, No. 26, s. 9."

Section 12 reads:—

No returns necessary except under this Act.

"12. Notwithstanding any former enactments, no clergyman, minister or other person ordained or appointed over any church or congregation, and authorised to solemnise marriages, shall, from and after this Act comes into force, be required to make any other returns or reports than what is required by this Act respecting births, marriages or deaths. 1872, No. 26, s. 10."

Correction.

Passing to Section 17, that Section has reference to the correction of errors in entries of births, marriages or deaths, within one year after discovery thereof, the district registrar being empowered upon report to investigate and correct, and report to the Registrar General, whose duty it is to correct "in the margin of the book or form containing the original entry."

Transcript of original returns.

18, as amended. The Registrar General shall cause to be transcribed in separate books all the particulars communicated to him by the several district registrars, of the registered births, marriages, and deaths in each district; and the original returns shall be arranged, indexed, bound and kept in the office of the Registrar General." 1872, No. 26, s. 14.

Certified extracts.

19. All persons shall be entitled at all reasonable hours to search these records and to require and receive extracts duly certified by the Registrar General, which extracts shall be evidence of the entry certified and *prima facie* evidence in any court of law or equity in this Province of the facts therein stated; and for every such certificate the person so requiring the same shall pay a fee of 50 cents. 1872, No. 26, s. 15.

Report for Legislative Assembly.

Section 20, as amended. The Registrar General shall, on or before the first day of June in each year, collate, publish and distribute for the use of the Legislative Assembly, a full report of the registered births, marriages, and deaths of the preceding year, giving such details, statistics and information as the Lieutenant Governor in Council may think necessary. 1872, No. 26, s. 17.

Further regulation.

By Section 21, the Lieutenant Governor may make further regulations.

Penalty for neglecting to report.

Section 22 has reference to penalties for neglecting to report in the case of any person required by the Act to report. The minimum penalty is five dollars, the maximum twenty dollars and costs, in the discretion of the presiding justice, it being the duty of the district registrar to prosecute, "in cases where no report whatever has been given."

Penalty for false statement.

Section 23 has reference to penalties for false statements, the minimum being made forty dollars, the maximum one hundred dollars.

Penalty for non-performance of duty by district registrar.

Section 24 has reference to refusal or neglect of duty by district registrar, the penalty for such being made fifty dollars, and it is made the duty of the Attorney General to prosecute, when notified.

Recovery of penalties.

Section 25 has reference to procedure, giving power to the justice to levy the penalty and costs awarded, by distress and sale, and in default of payment or sufficient distress, the offender may be imprisoned for not less than one day

nor more than twenty, at the justice's discretion, unless such penalty, costs and charges of commitment be sooner paid.

Schedules A., B., & C., are appended to the Act.

The amendments in said Chapter 9 are incorporated in the above transcription.

CANADA.

MARRIAGE LAWS.—PRINCE EDWARD ISLAND.

The following chapter is transcribed from the revised statutes of Prince Edward Island, for the year 1832, being the second year of the reign of William IV.

CHAPTER XIV.

An Act to confirm and render valid certain marriages heretofore solemnized within this island; and also to declare by whom and in what manner marriages shall be celebrated in future, and to provide for the public registry of the same.

Whereas it is expedient to confirm and render valid certain marriages heretofore solemnized within the Island, and also to declare by whom and in what manner marriages shall be celebrated in future, and to provide for the keeping of a public registry of the same: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that all marriages which have been heretofore solemnized within this Island by any clergyman, minister of the Gospel officiating as such, or by any justice of the peace or other lay person either by virtue of licence from any Governor, Lieutenant Governor, or other Commander-in-Chief of this Island, or by publication of banns or otherwise, where the parties so married have cohabited together, shall be and the same are hereby declared lawful and valid, and the issue of all such marriages are hereby made legitimate to all intents and purposes whatsoever, provided always that nothing herein contained shall extend, or be construed to extend, to the rendering valid any marriage where either of the persons is so married a second time, the former husband or wife being then alive, nor where the persons married are within the degrees of kindred prohibited in an Act made and passed in the thirty-second year of King Henry Eighth, intituled "an Act concerning pre-contracts and touching degrees of consanguinity."

Amended by 6 Vict. c. 8.

For other Acts relating to marriages see 11 Geo. 4, c. 5; 2 Will. 4, c. 3.

Confirms all marriages heretofore solemnized within this Island, where the parties have cohabited.

Issue of such marriages declared legitimate.

Proviso.

II. And be it further enacted that every clergyman or minister of any sect or denomination of Christians having spiritual charge of a congregation within this Island, upon producing to the Lieutenant Governor or other Commander-in-Chief for the time being, satisfactory proof of his ordination, constitution or appointment, and that he is actually employed by the denomination of which he professes to be a minister within this Colony, and receiving a certificate to that effect under the hand and seal of the Lieutenant Governor or Commander-in-Chief for the time being, and all others whom the Lieutenant Governor or Commander-in-Chief for the time being may thereto authorize shall hereafter have power and authority to solemnize marriage, either by licence from the Lieutenant Governor, or after publication of banns in their respective church, chapel, or other place of public worship, on three successive Sundays, during Divine Service. Provided always that nothing in this Act contained shall extend, or be construed to extend, to prevent any clergyman, regularly ordained according to the rights of the Church of England, Kirk of Scotland or Church of Rome, Presbyterians being dissenters from the Kirk of Scotland, the Wesleyans, Methodists, and Baptists respectively, and having respectively within this Island spiritual charge of a congregation, from solemnizing marriage according to the forms of their own respective churches, without having obtained such certificate as is hereafter mentioned.

Clergymen of any denomination having spiritual charge of a congregation, on receiving a certificate from the Lieutenant Governor, and all others whom he may authorize, may solemnize matrimony either by licence or publication of banns.

Such certificate not required from clergymen of the churches of England, Scotland, or Rome, Presbyterian Dissenters, Wesleyans, Methodists, or Baptists.

III. And be it further enacted, that any such clergyman, minister of the Gospel, or other person who shall, after the passing of this Act, solemnize any marriage without such licence or publication of banns as aforesaid, or who shall knowingly solemnize any marriage between parties of whom one or both are under the age of twenty-one years, having parents or guardians living and resident within this Island, without the consent of such parents or guardians, shall forfeit and pay for every such offence the sum of five hundred pounds; and the marriage of any such person or persons under the age of twenty-one years, without such consent, shall be null and void.

Persons solemnizing marriages without licence or publication of banns, or marrying minors without consent of parents or guardians (if living) to forfeit 500 £; marriage of such minors to be void.

Act, in any case not hereinbefore provided against, he shall, for every single offence, forfeit and pay to His Majesty, the sum of 50*l.*, the same to be recovered in His Majesty's Supreme Court of Judicature, together with costs of prosecution, the said fine to be paid into the Treasury of the island, to and for the use of His Majesty's Government.

CANADA.

Mode of recovery.

IX. And be it further enacted that from and after the passing of this Act, all licences to be granted under and by virtue of the same, shall be directed to such person who may be authorized to solemnize matrimony as the person or persons applying for such licence shall or may request or desire, and to no other person or persons whomsoever, any usage or custom to the contrary notwithstanding.

Marriage licences to be directed to such clergyman, &c., as the parties may desire.

X. Provided always that nothing in this Act contained shall have any force or effect until His Majesty's pleasure therein shall be known.

Act not to have effect until His Majesty's pleasure be signified.

* * This Act received the Royal allowance 20th December 1834, and the notification thereof was published in the "Royal Gazette," 21st April 1835.

11th Geo. 4, c. 5, referred to the marginal note opposite the title of the above Act, is incorporated in the above, c. 14, in so far as it relates to marriages, and no further reference need therefore be had to it herein; and 2 Will. IV., c. 3, also referred to in the same marginal note, is an Act "to enable certain persons to put their marriages upon record," and will be referred to hereinafter (*see post* page 46). The Act 6 Vict. c. 8, also referred to in said marginal note, is "an Act to amend the marriage law."

11 Geo. 4, c. 5, need not be further referred to in this transcription.

2 William IV. c. 3, is a Registration Act for special cases.
6 Vict. c. 8.

"Whereas it has been found that improper marriages have been celebrated under licences granted in pursuance of the Act now in force, authorizing the celebration of marriages, in consequence of misrepresentation or concealment of facts by the parties obtaining such licences, be it therefore enacted by the Lieutenant Governor, Council and Assembly, that from, and after the passing of this Act, no licence shall be granted for the celebration of marriage where the parties contracting such marriage, or either of them, shall be under the age of twenty-one years, unless the consent of the parents or guardians of such contracting party or parties so under age, shall be first signified in writing under the hand or hands of such parent or guardian, parents or guardians, and signed in the presence of one or more witness or witnesses.

2 William IV c. 14.

Relates to marriages where the parties or either of them shall be under 21 years of age.

"II. And be it enacted, that no licence for marriage shall be granted without a bond being previously given by the applicant, and one sufficient security (according to the form set forth in the Schedule to this Act annexed).

No licence to be granted unless a bond be given.

"III. And be it enacted, that the Deputy Prothonotaries in Prince and King's Counties be empowered to issue marriage licences, and to take the bond required in such cases, under such regulations as the Governor or the Administrator of the Government for the time being may think proper to prescribe, and all such bonds shall on or before the first day of January, in each and every year, be transmitted to the office of the Colonial Secretary of this island, and there deposited, such Deputy Prothonotary receiving the fees due to the Lieutenant Governor and Private Secretary for such licence, and be responsible therefor together until the fee of 5*s.* 6*d.* to himself for the issuing such licence and taking such bond.

Authorizes the Deputy Prothonotaries in Prince and King's Counties to issue marriage licences.

Bonds to be taken by them.

Fees.

"IV. And be it enacted, that it shall and may be lawful to and for the Lieutenant Governor or for any of his successors in office, on application to him made by any person or persons aggrieved to assign the said bond to him or them by endorsement thereon, and which said endorsement shall, to all intents and purposes, operate as an assignment thereof, and the penalty in said bond may be recovered together with costs by suit in the name of the said assignee in Her Majesty's Supreme Court of Judicature for this island."

Lieutenant Governor, &c., may assign bond to party aggrieved.

Mode of assignment.

Mode of recovery of penalty.

Here follows a Schedule, a form of Bond, to meet the purposes of the Act

After the above Act (passed in 1843) it is necessary to pass over the intervening years until 1868, in order to notice the next Act pertinent to the purposes intended.

CANADA.

2 William 4.

Minister of Bible Christian Church on proof of his appointment, &c., to have power to solemnize marriage, &c.

Minister may solemnize marriage according to forms, &c., of Bible Christian Church.

All marriages heretofore solemnized by ministers of Bible Christian Church confirmed, &c.

A special Act to remedy the want of registry of certain marriages, and to enable their registry to be made.

Rector's fees under above Act.

Amendment of Section 4.

Amendment of Section 4.

Chapter 10 (31 Vict.), passed in 1868 by the Prince Edward Island Legislature and transcribed below, is "An Act to amend and explain the Act passed in the second year of His Majesty King William the Fourth, relating to the celebration of marriages, so far as the same relates to the Bible Christian Church" (passed 24 April 1868):—

"Be it enacted by the Lieutenant Governor, Council and Assembly, that every clergyman or minister of the sect of Christians known as Bible Christians or the Bible Christian Church, upon producing to the Lieutenant Governor or other Commander-in-Chief for the time being satisfactory proof of his appointment, ordination, or constitution, and that he is actually employed by the said denomination or sect, and receiving a certificate to that effect under the hand and seal of the Lieutenant Governor or Commander-in-Chief for the time being, shall hereafter have power and authority to solemnize marriage, either by licence from the Lieutenant Governor or after publication of banns in his church, chapel, or other place of public worship on three successive Sundays during Divine service, provided always that nothing therein contained shall extend or be construed to extend to prevent any clergyman or minister regularly ordained, or appointed according to the rules and regulations of the said Bible Christian Church, and having spiritual charge of a congregation within this island, from solemnizing marriage according to the forms of the said Bible Christians or Bible Christian Church without having obtained such certificate as is hereinbefore mentioned.

"II. All marriages which have heretofore been solemnized within this island by any clergyman or minister of the said Bible Christian Church, or the said sect of Bible Christians, either by virtue of licence from any Lieutenant Governor or Commander-in-Chief of this island, or by publication of banns or otherwise, where the parties so married have cohabited together, shall be, and the same are hereby declared to be legal and valid, and the issue of all such marriages are hereby made legitimate to all intents and purposes whatsoever, provided the parties so married shall not have been within the degrees of kindred prohibited by the Imperial Statute passed in the thirty-second year of King Henry the Eighth, intituled, "An Act concerning pre-contracts and touching degrees of consanguinity."

It is to be noticed also that in regard to certain marriages, 2 William IV., Chapter 3, passed by the Prince Edward Island Legislature in 1832, is "An Act to enable certain persons to put their marriages upon record." The substance of this Act is that persons married by the Rev. Thomas Adin, clerk, on obtaining a certificate of the issue of licence and an affidavit of any person present at the marriage, may have the same registered, "and the registry shall be as good, effectual, and valid in the law, to all intents and purposes whatever, as if the same had been registered by the same Thomas Adin in his life time."

The preamble to this Act recites the circumstances which gave occasion to the passing of it. It appears that the Rev. Thomas Adin from 1823 to 1826 was rector of Charlotte parish and solemnized several marriages under the licence of the Lieutenant Governor or administrator of the government of the island for the time being, without causing several thereof to be registered in the book of the registry of marriages for the Parish of Charlotte, and took with him when he left the island the original letters of licence for such marriages, and the Act was passed to remedy the resulting difficulty as to evidence of marriage of parents.

Section 2 provides the rector's fees for registering and filing affidavit, 1s.; copying into register per 100 words, 2s.; registering each marriage, 3s. 4d.; certificate of registry, 2s. 6d.

Chapter 7, passed the Prince Edward Island Legislature in 1891, is "An Act relating to the registration of marriage certificates, and to amend the Act hereinafter mentioned."

Section 1 reads:—

"1. The Act passed in the second year of King William the Fourth, Chapter 14, is hereby amended by striking out the words "on receiving the fee hereinafter mentioned," from the fourth section thereof, and by adding to said section the words, "and every person desirous of a certified copy thereof from the record shall be entitled to the same on paying the said surrogate the sum of 24 cents."

"2. Section

"2. Section 5 of the said Act is hereby repealed.

CANADA.

"3. The Provincial Secretary and the deputy prothonotaries in Prince and King's counties shall hereafter be entitled to collect and receive for the use of the Government of this Province, the fee of two dollars and fourteen cents for each marriage licence, and no other or further fee shall be payable to any official therefor or in respect thereof.

Section 5 repealed.
Fee for marriage licence, 2 dols. 14 cts.

"4. As a fee for registering every certificate of marriage solemnized by authority of licence within this Province after the passing of this Act, the said surrogate shall be entitled to receive from the Government of the said Province the sum of 24 cents.

Fee for registering, 24 cts.

"5. That any person authorized to celebrate marriage contracts shall, when such marriage is solemnized, after the publication of banns, register, within six months after the solemnization of the same, in the office of the said surrogate, a certificate of the celebration of such marriage, and he shall be entitled to demand and receive from the parties married by him the sum of 24 cents, which he is hereby required to pay to the surrogate as a fee for recording such certificate.

Any person authorized to celebrate contracts to register certificate within six months.

Fee for same.

"6. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed."

MARRIAGE LAWS.—NORTH-WEST TERRITORIES.

MARRIAGE LAWS from the Revised Ordinances, 1888, of the North West Territories (Canada), Chapter 29, and its Amendments.*

CHAPTER 29.

An Ordinance respecting Marriages.

1. This Ordinance may be cited as "The Marriage Ordinance."

2. The ministers and clergymen of every church and religious denomination duly ordained and appointed according to the rites and ceremonies of the churches and denominations to which they respectively belong, and resident in Canada and having ecclesiastical oversight of any congregation or part of a congregation in the Territories, by virtue of such ordination and appointment, and according to the rites and usages of their own respective churches or denominations, and Commissioners appointed for that purpose by the Lieutenant Governor may solemnize marriage between any two persons not under a legal disqualification to contract marriage.

Amended by Section 1 of Ordinance No. 25 of 1892 (*see post*, page 49), by striking out the words erased down to congregation, and *see* Section 7 of said Ordinance, No. 25 (*on post*, page 50) striking out in effect the words "or part of a congregation."

3. No marriage commissioner shall solemnize a marriage unless the parties to the intended marriage produce to him the licence required by Section 4 of this Ordinance, and no minister or clergyman shall solemnize marriage unless a licence is produced as aforesaid or unless the intention of the two persons, by publication of banns, to intermarry has been proclaimed at least once openly on a Sunday in some public religious assembly, or unless he has satisfied himself that there is no legal impediment to the proposed marriage, in which latter case such minister or clergyman shall insert in the certificate of marriage hereinafter required words to the following effect:—

Repealed by Section 2 of Ordinance, No. 25 of 1892 (*see post*, page 49), and another substituted.

"And I further certify that, previous to solemnizing such marriage, I fully satisfied myself that there was no legal impediment to the said parties intermarrying."

4. Marriage licences shall be in form A. at the end of this Ordinance, and shall be supplied from the office of the Lieutenant Governor to such persons as he may from time to time appoint, to issue the same to applicants for such licences.

Repealed by Section 3 of Ordinance, No. 25 of 1892 (*see post*, page 49), and another substituted.

5. Every licence under the hand and seal of the Lieutenant Governor shall be and remain valid notwithstanding the Lieutenant Governor who signs the same has ceased to hold office before the time of its issue.

6. Every

* The marginal notes are supplied by the person transcribing.

6. Every issuer of marriage licences shall sign each licence as the same is issued by him.

CANADA.

7. Before a licence is granted by any issuer, one of the parties to the intended marriage shall personally make an affidavit before him to the effect of the Form B. at the end of this Ordinance.

Affidavit amended by Section 5 of Ordinance No. 25 (see post, page 50), 1892, and jurisdiction to administer it extended.

Further evidence, if necessary, shall be required by issuer.

Authority in particular cases.

8. In case the issuer has knowledge or reason to suspect that any of the statements in the affidavit of any applicant for a marriage licence are not correct, the said issuer shall require further evidence to his satisfaction before issuing the licence, and a copy of all such affidavits and evidence shall be placed on file in his office.

9. The father, if living, of any person under 21 years of age (not being a widower or widow), or if the father is dead then the mother of the minor, or if both parents are dead then the lawfully appointed guardian or the acknowledged guardian who may have brought up, or for three years immediately preceding the intended marriage supported or protected, the minor shall have authority to give consent to such marriage.

Returns by issuer.

10. Every issuer of marriage licences shall on the first days of January and July in each year make a return to the Lieutenant Governor of all licences issued by him during the preceding six months with the names of the parties to whom issued, and shall accompany such return with the original affidavit taken in each instance, and whenever called upon return to the Lieutenant Governor all unissued licences.

Solemnization.

11. All marriages shall be solemnized in the presence of two or more credible witnesses besides the minister, clergyman or marriage commissioner performing the ceremony, and every person solemnizing a marriage shall register the same according to the provisions of the Ordinance respecting the registration of births, marriages, and deaths.

Fees for each licence payable to issuer in the first instance.

12. There shall be payable to each issuer of marriage licences on the issue of each licence by him the sum of three dollars, of which such issuer shall be entitled to retain one dollar as his fee. The remainder he shall pay over to the Lieutenant Governor to form part of the revenue of the Territories, with each return made by such issuer.

Amended by Section 4 of Ordinance No. 25 of 1892 (see post, page 49).

13. Any person unlawfully issuing a marriage licence supplied from the office of the Government of the North West Territories, any issuer of marriage licences granting a licence without first having obtained the affidavit required by this Ordinance, and any person solemnizing a marriage contrary to the provisions of this Ordinance, shall, on conviction before a Judge of the Supreme Court of the Territories in a summary way, for every such contravention, forfeit and pay a fine not exceeding one hundred dollars and costs of prosecution.

14. No minister, clergyman or marriage commissioner who solemnizes a marriage in conformity with the provisions of Section 2 of this Ordinance shall be subject to any action or liability for damages, or otherwise, by reason of there having been any legal impediment to the marriage, unless at the time when he performed the ceremony he was aware of the impediment.

Form A, referred to in Section 4 above, is as follows:—

Canada, North West Territories, Lieutenant Governor (L.S.).

These are to certify that A. B., of _____, and C. D., of _____, being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said A. B. (or C. D.) has made an oath that he (or she) believes that there is no affinity, consanguinity, or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

And these are, therefore, to certify that the requirements in this respect of the Ordinance respecting marriages have been complied with.

Issued at _____, in the North West Territories, this _____ day of _____
A. D. 18 _____

Issuer of Licences.

Form B., referred to in Section 7, is as follows:—

I, A. B., Bachelor (or widower) or C. D., Spinster (or widow), make oath and say as follows:—

1. I and C. D. (or A. B.), of _____, Spinster (or widow), bachelor (or widower), are desirous of entering into the contract of marriage, and of having our marriage duly solemnized at _____.

2. According to the best of my knowledge and belief, there is no affinity, consanguinity, or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

3. I am of the age of _____ years, and the said C. D. (or A. B.) is of the age of _____ years.

4. In case one of the parties is under the age of 21 years, add:—

E. F., of _____, is the person whose consent to said marriage is required by law, and the said E. F. has formally consented to the said marriage.

Amended by substituting "formally," by Section 6 of Ordinance of No. 25 of 1892 (*see post*, page 50).

Or, if both parties are under age:—

E. F., of _____, and G. H., of _____, are the persons whose consent to the said marriage is required by law, and the said E. F. and G. H. have formally consented to the said marriage.

Or, if in the case of one of the minors there is no person whose consent is required by law, add according to the facts:—

The father of the said C. D. (or A. B.) is dead, and the mother of the said C. D. (or A. B.) is dead, and the said C. D. (or A. B.) having no lawfully appointed or acknowledged guardian, there is no person who has authority to give consent to the said marriage.

In case both the parties are minors, and there is no person whose consent is required by law, add a similar statement concerning the other party, according to the facts.

Sworn before me at _____ in the North West Territories,
this _____ day of _____ A.D. 18 _____.

(signed)

Issuer of Licences.

Ordinance No. 25 of 1892 is an "Ordinance to amend Chapter 29 of the Revised Ordinances, 1888, intituled 'The Marriage Ordinance.'"

1. Section 2 of Chapter 29 of the Revised Ordinances, 1888, is hereby amended by striking out the words, "in Canada, and having ecclesiastical oversight of any congregation," where they occur therein, and by also striking out the words, "and commissioners appointed for that purpose by the Lieutenant Governor," where they occur in the said section.

2. Section 3 of the said ordinance is hereby repealed and the following substituted therefor:—

"3. No minister or clergyman shall solemnize marriage unless the parties to the intended marriage produce to him the licence required by Section 4 of this Ordinance; or unless the intention of the two persons to matrimony has been proclaimed by publication of banns at least thrice openly on two successive Sundays in some public religious assembly."

3. Section 4 of the said Ordinance is hereby repealed and the following section substituted therefor:—

"4. Marriage licences shall be in Form A. appended to this Ordinance, and shall be supplied from the office of the Government of the North West Territories to such persons as the Lieutenant Governor in Council may from time to time appoint as issuers of marriage licences to issue the same to applicants for such licences."

4. Section 13 of the said Ordinance is hereby amended by striking out "Lieutenant Governor" therein, and substituting therefor the words, "Government of the North West Territories."

5. The affidavit required by Section 7 of the said Ordinance may be made before any justice of the peace of the Territories, in any case where it is inconvenient for either of the parties to attend personally before an issuer of marriage licences; provided always that the reason that neither party can so attend shall be set forth in such affidavit as a justification for the issuer granting licence without a personal application by one of said parties.

6. Clause 4, Form B., appended to the said Ordinance is hereby amended by striking out the word "formerly," where it occurs therein, and substituting therefor the word "formally."

7. The words, "and having ecclesiastical oversight of any congregation or part of a congregation," shall be deemed to have never been a part of Section 2 of the said Ordinance.

DIVORCE.

NOTES ON PARLIAMENTARY DIVORCE IN CANADA, BEING A BRIEF SKETCH OF THE LAW AND PROCEDURE.

(From the "Canadian Law Times," March 1888.)

In Bouvier's "Law Dictionary," the word "Divorce" is defined as "the dissolution or partial suspension by law of the marriage relation." The dissolution is termed divorce from the bond of matrimony; or in the Latin form of the expression, *à vinculo matrimonii*; the suspension, divorce from bed and board, *à mensa et thoro*. The former divorce puts an end to the marriage; the latter leaves it in full force.

Divorce in England.—Prior to 1858, jurisdiction to dissolve marriage was not entrusted to any ordinary Court of Justice, but reserved to the Legislature. An attempt was made in the reign of Queen Elizabeth, by the Ecclesiastical Courts, to usurp such jurisdiction, and some decrees of divorce *à vinculo matrimonii* were pronounced, but the Star Chamber interfered and stopped the practice. The theory on which these Courts seem to have proceeded in making such decrees was that, since the Reformation marriage had ceased to be one of the Sacraments of the Church, and, therefore, that the contract between the parties could be dissolved upon breach of the promise upon which the contract rested. However this may be, the Ecclesiastical Courts desisted from the exercise of this novel jurisdiction. The consequence was that no judicial tribunal could give complete redress for the greatest matrimonial grievance, and so the practice at length sprang up of obtaining private Acts of Parliament to release parties *à vinculo matrimonii*, and to enable them to marry again. In process of time, orders were made by Parliament to regulate the passage of such Bills, and to give to proceedings on them a judicial and inquisitorial character (*a*).

The measure of relief was a costly one, available only to the wealthier members of society. Hence Parliament endeavoured to create a Court of Justice where all suitors might obtain complete redress for matrimonial wrongs, and at a cost within reach of even the humbler classes of society. The result was the constitution, in 1858, of the Court of Divorce and Matrimonial Causes. Power was given that tribunal in certain cases, and for certain specific reasons, to grant a divorce and dissolution of the marriage tie, and by the Judicature Act that jurisdiction has now become vested in the High Court of Justice, and is administered in the Probate and Divorce Division. The old Ecclesiastical jurisdiction, except in respect to marriage licences, now vests in the above Division; therefore the jurisdiction of the Divisions, where established, is sole and complete in all matters relating to marriage. What those matters are may be gathered from the Act itself. They are (i) suits for dissolution of marriage, formerly divorce *à vinculo matrimonii*; (ii) nullity of marriage; (iii) judicial separation, formerly divorce *à mensa et thoro*; (iv) restitution of conjugal rights; and (v) jactitation of marriage. The Division has also further jurisdiction, created by the above, and extended by subsequent amending Acts, in relation to other matters, arising out of the above proceedings, or incidental

to

(a) Pritchard's "Divorce Practice," 1874.

to them. These are as follows :—(vi) alimony in certain cases; (vii) custody of children; (viii) the application of damages recovered from an adulterer; (ix) the settlement of the property of the parties; (x) the protection of the wife's property in certain cases; and (xi) the reversal of the decree of judicial separation, and the decree *nisi* for a divorce, and a similar decree of nullity of marriage (a).

The Acts apply to England exclusively; therefore the House of Lords has still jurisdiction over cases in India, Ireland, and other countries beyond the jurisdiction of the Court (b).

Divorce in Canada.—The English practice of legislating for each particular case was first established in Upper Canada in 1840, when a Bill was passed by the Legislature for the relief of John Stuart, whose wife had eloped and committed adultery (c). During the next twenty-seven years, only three such divorce bills were passed by the Legislature of the Province of Canada (d).

In the distribution of legislative power, the British North America Act, 1867, Section 91, conferred upon the Parliament of Canada exclusive legislative authority in relation to marriage and divorce. That section must be read subject to the provisions of Section 129, whereby all laws in force in the then Provinces of Canada, Nova Scotia and New Brunswick at the Union, and all Courts of civil and criminal jurisdiction, &c., existing therein at the Union, were continued in such Provinces respectively, as if the Union had not been made; and Section 146 extended the provisions of this Act to other Provinces admitted to the Union.

The portions of the Dominion over which the Parliament of Canada has not assumed control in the matter of marriage and divorce are Nova Scotia, New Brunswick, Prince Edward Island, and British Columbia. In these Provinces there existed, at the time of the Union, Courts of Divorce, and they still continue to exercise their functions. With the exception of Prince Edward Island, they appear to have been modelled after the English Court of Divorce and Matrimonial Causes, and the procedure and practice of that Court is followed as closely as circumstances will permit. In Prince Edward Island, a Court of Divorce and Alimony was established as far back as 1836.

Parliamentary Divorce.—There being no Divorce Court in the remainder of the Dominion, comprising Ontario, Quebec, Manitoba, and the North West Territories, recourse for relief must be had to the Parliament of Canada. The Journals of the Legislatures of Upper Canada, the Province of Canada, and the Dominion, show repeated unsuccessful attempts to remove from the Legislature the duty of dissolving the marriage tie, but the religious views of a large portion of the legislators on the sacredness of the marriage contract have always proved an obstacle, and it is no doubt out of deference to such religious scruples that the Protestants have not pressed more urgently for the establishment of a Court.

It is rather curious that the Province of Quebec—the part of the Dominion from which comes the most vigorous opposition to divorce—should be really in advance of Ontario, Manitoba, and the North West Territories in the matter of matrimonial relief. The Courts of that Province have been long able to grant a *separation de corps*, the equivalent of a judicial separation under the English Divorce Court practice. Again, we find by Article 117 of the Civil Code that the Courts have power to annul a marriage on the ground of impotency. “Impotency, natural or accidental, existing at the time of the marriage, renders it null; but only if such impotency be apparent and manifest. This nullity cannot be invoked by any one but the party who has contracted with the impotent person” (e).

There is no law which defines the ground upon which parliamentary divorces may be granted, but the impression has prevailed that, while there is no limitation to the power of Parliament to grant divorces for any cause, it will not give effect to any applications except upon the ground of adultery—the sole ground recognized by the Parliament of the United Kingdom before the establishment

(a) Dixon on “Divorce,” pp. 2, 3.

(b) May, p. 767.

(c) 3 Vict., Cap. 72.

(d) Beresford, 1853; McLean, 1859, and Benning, 1864.

(e) Dorion v. Laurent 17 L. C. Jur. 324; Lussier v. Archambeault, 11 L. C. Jur. 53; Langevin v. Barrette, 4 Rev. Leg. 160.

establishment of the Court in 1858. This has led to a circuitous method of obtaining relief in the *Stevenson* (1869) case, which was really an application to nullify a marriage. In that case, the petitioner, when only seventeen years of age, was inveigled into the ceremony. The marriage was not consummated by cohabitation—the parties separating immediately after the marriage ceremony—yet, in order to obtain relief, the old principle, that the bill must directly charge adultery, had to be maintained, and the woman having married again was branded as an adulteress.

In the *Ash* and *Lavell* cases in 1887, which were really applications to nullify marriages, the former being an application to determine the validity of a foreign decree dissolving a Canadian marriage, and the latter an application to dissolve a marriage performed as a joke under false names, and of which there had been no consummation by cohabitation, the notices of application, the petitions and the preambles to the bills, while setting out these facts, and asking for relief, asked in the alternative for bills of divorce on the ground of adultery. This attempt to maintain the old principle, notwithstanding the fact that there had been no adultery, proved so shocking to the good feelings of many members of both Houses that Parliament, in the exercise of its supreme and unfettered powers, eliminated from the preambles the words directly charging adultery and moulded the bills in accordance with the ascertained facts.

In both cases the idea that Parliament would only follow the practice of the English Parliament in granting bills of divorce received a wider interpretation. In the *Ash* case, the Minister of Justice, an eminent jurist, stated that he understood the principle to be that bills of divorce would be granted upon the same evidence and under the same circumstances as applications would be granted before the judicial tribunal in the mother country which has jurisdiction over such a subject.

In the debate on the *Lavell* case, Senator Gowan, also an eminent jurist, took the broader ground that Parliament is supreme in its power, the custodian of the morals and wellbeing of society; the *maker*, not the *expounder* of the law—is, in short, the highest tribunal in the land—the High Court of Parliament, and as such is not, and cannot be bound by any rule, law or authority in the measure or extent of the relief it may grant. This view, no doubt, largely contributed to the moulding of the bills in these two cases to meet the actual facts.

The marriage ceremony, the domicile of the parties, and the *locus delicti*, or the place where the matrimonial offence for which relief is sought was committed, are all incidents more or less material in the first instance to every application for dissolution of marriage (a).

By the B. N. A. Act, 1867, sec. 92, the power of making laws respecting the solemnization of marriage is conferred exclusively upon the Provincial Legislatures. In some of the Provinces of the Dominion justices of the peace are, with the resident clergy of any denomination, empowered to celebrate the marriage ceremony, but as a rule the ceremony is performed by the clergy, and this, while tending to throw around the marriage tie a halo of sacredness, secures a system of registration valuable as evidence, as all clergymen are required by the laws of their Provinces to make annual returns of marriages celebrated by them to the provincial authorities. In the Province of Quebec, marriages are regulated by the Civil Code of Lower Canada, but their registration is regulated by statute.

In a new country like Canada, many of its inhabitants have been married in other lands, and in respect of these Parliament must be reasonably satisfied that the law of the country where the marriage took place has been complied with.

The principal incident necessary to a valid marriage is that the parties should be capable. All persons are competent to marry unless they labour under certain disabilities, such as being already married, or of unsoundness of mind (b). In England, minors or persons under 21 years of age require the consent of their fathers or guardians, but such is not the rule in Canada, as evidenced by the *Stevenson* case already referred to (c). The relationship of persons within the prohibited degrees of consanguinity or affinity as computed by

(a) *Dixon*.

(b) *Dixon*, p. 10.

(c) *Regina v. Robbin*, 21 U. C. R., 352.

by the civil law, is also held to be a disability. In 1882, the vexed question of marriage between a man and his deceased wife's sister, both as to past and future marriages, was settled in Canada by an Act removing all restrictions (a). Another incident is that the marriage must be celebrated after publication of banns or upon certificate of licence issued under the authority of the various Provincial Marriage Licence Acts.

Domicil or Jurisdiction.—In his treatise on “The Law of Domicil,” 1879, Prof. Dicey lays down the following general principle with respect to divorce :—

“Rule 46.—Jurisdiction in matters of divorce depends in general upon the domicil of the parties to a marriage at the time of commencement of proceedings for divorce. Hence in general,—

“(1). A Divorce Court of any country where such parties are then domiciled has jurisdiction to dissolve their marriage ;

“(2.) No Court of any other country has jurisdiction to dissolve their marriage.”

The nature of domicil and the manner of its ascertainment are also set forth in the following rules extracted from Professor Dicey's work :—

“Rule 1.—The domicil of any person is, in general, the place or country which is, in fact, his permanent home, but is in some cases the place or country which, whether it be in fact his home or not, is determined to be his home by rule of law.

“Rule 4.—A domicil once acquired is retained until it is changed, (i) in the case of an independent person by his own act, (ii) in the case of a dependent person by the act of some one on whom he is dependent.

“Rule 5.—Every independent person has, at any given moment, either (i) the domicil received by him at (or as from) his birth, which is called the domicil of origin ; or (ii) a domicil (not being the same as his domicil of origin) acquired by him, while independent, by his own act, which is called a domicil of choice.

“Rule 7.—Every independent person can acquire a domicil of choice by the combination of residence (*factum*) and intention of permanent or indefinite residence (*animus manendi*), but not otherwise.

“Rule 13.—The domicil of a person can always be ascertained by means of either (i) a legal presumption ; or (ii) the known facts of the case.

“Rule 14.—A person's presence in the country is presumptive evidence of domicil.

“Rule 15.—When a person is known to have had a domicil in a given country, he is presumed, in the absence of proof of a change, to retain such domicil.

“Rule 16.—Any circumstance may be proof or evidence of domicil which is evidence either of the person's residence (*factum*) or of his intention to reside permanently (*animus manendi*) within a particular country.

“Rule 19.—Residence in a country is not even *primâ facie* evidence of domicil when the nature of the residence is inconsistent with, or rebuts the presumption of, the existence of an intention to reside there (*animus manendi*)” (b).

The law of domicil, as well as the effect of a decree of a foreign Court dissolving a marriage which had taken place in Canada, was thoroughly discussed in the *Ash* case. The facts of the case were as follows :—Manton married Susan Ash in Kingston, Ontario, in 1868 ; she lived with him there for six weeks, and then left with his consent to visit her father in Montreal. On her return, six weeks later, she found his property had been sold, and he had given up housekeeping. She resided with him at his boarding-house, but his intemperate habits rendered life with him intolerable, so she left him shortly afterwards, this time without his consent, and returned to her father's in Montreal, where she had since continuously resided. Manton went to the States,

(a) 45 Vic., cap. 42. This act was amended in 1890 (53 Vict. cap. 36) so as to legalize and permit marriages between a man and his deceased wife's sister's daughter, when no law relating to consanguinity is violated.

(b) Dicey's “Law of Domicil,” pp. 3, 9. The leading cases on domicil are *Brook v. Brook*, 9 H. L. Cas. 193 ; *Sottomayer v. De Barros*, 3 P. D. 1, 5 ; *Simonin v. Mallac*, 2 Sw. & Tr. 67 ; *Dalrymple v. Dalrymple*, 2 Hagg. C. 54 ; *Pitt v. Pitt*, 4 Macqueen H.L. Cases, 627 ; *Dalhousie v. McDonell*, 7 C. & F. 817 ; *Harrie v. Farnie*, L. R. 8 App. Ca. 43 ; *Dolphin v. Robins*, 7 H. L. Cases 390 ; *Shaw v. Attorney General*, L. R. 2 P. & D. 156 ; *Niboyet v. Niboyet*, 4 P. D. 1.

States, and in 1874 obtained from the Court of Massachusetts a decree of divorce from Susan Ash, on the ground that she had deserted his home. There was no evidence of his residence there other than the recital in the decree, which, being put in evidence in the application to Parliament, recited that for the period of five consecutive years preceding the time of his application to the Massachusetts Court, Manton had resided in Boston. On 3rd September 1874, Manton married again at Stirling, Ontario, a woman named Hatch, and they removed at once to Boston, remained there living as husband and wife, and had a family. Susan Ash founded her application upon this decree of divorce, alleging that the decree being for a cause not recognised in Canada, the decree was null, and therefore the second marriage bigamous. The Minister of Justice, in a lengthy and lucid speech, expressed the opinion that Manton had no domicile in Massachusetts because the evidence in the case did not show that Manton had been there otherwise than as a citizen of Canada, prior to the date of the decree, or that he had a home there, or that he was there for anything but the temporary purpose of obtaining a divorce, while there was a presumption to the contrary from the fact of his having resided in Kingston a married man, and of his having contracted a second marriage at Stirling soon after the date of the decree. He further contended that the recital in the decree of a residence of five years was no evidence of acquisition of a domicile, because the decree itself was valueless until it had been ascertained that the Court had jurisdiction over the subject matter and the person. The mere allegation in a decree that the Court has jurisdiction is insufficient. The principles deduced from his argument and the authorities cited were:—

“ 1. That before any foreign tribunal can alter the marriage *status* and dissolve the marriage of persons married in Canada, who apply for that relief, the applicant must have been domiciled or have a *bona fide* residence in that country in order to entitle the divorce to recognition in Canada.

“ 2. That with any such decree of divorce it must also be proved that the foreign court had jurisdiction over the subject matter and person in the case.

“ 3. Although it is a general principle of law that the husband's domicile is also that of his wife, the wife does not forfeit the rights she has to assert against him when he is acting in violation of his marriage duties (*a*). In support of this he cited from a judgment of Mr. Justice Gwynne, “ that for the purpose of instituting a suit for divorce, the wife may have a domicile separate from that of her husband ” (*b*).

As the Parliament of Canada has not yet recognised the power of any Court to deal with the subject of divorce, there is nothing binding in the argument which claims, by the comity between nations, for a judgment by a foreign Court, that kind of consideration and recognition by the Senate which that judgment would have before an ordinary tribunal, upon a matter the subject matter of which was common to both. The principle involved in the term “comity of nations” is that as the jurisdiction over the subject matter of the judgment is common to the Courts of both countries, we give it by courtesy that consideration and weight involved in regarding it as *prima facie* a correct judgment (*c*).

In the earlier case of *Harris* in 1845 (*d*), the question of domicile also came up for consideration. The facts were as follows:—The marriage took place in Canada in 1832. Petitioner was at that time residing here as an officer attached to his regiment; the act of adultery on account of which the petitioner sought a divorce was committed in Canada; the petitioner had no other domicile in Canada than such as attached to him in his military capacity; in 1841 he returned with his regiment to England, and had not since resided in Canada. Mrs. Harris had also quitted Canada for the West Indies; the Bill passed in 1845, during the absence of both parties from the Province, and was reserved for Her Majesty's approval. The opinion of the Law Officers of the Crown was that the parties were not domiciled in Canada at the time of the passing of the Act. The Bill was accordingly disallowed.

The

(a) Commons Debates, 1887, p. 1062-4.

(b) *Stevens v. Fisk*, 8 Legal News, 42.

(c) Senate Debates, 1887, p. 224, Senator Abbott.

(d) Journals, L.C., 1844-5, p. 33.

The *locus delicti*, or place where the matrimonial offence for which relief is sought was committed, appears to be of no materiality in an application for a bill of divorce. There are several instances of bills being obtained where the adultery was committed out of Canada.

Extent of Matrimonial Relief.—In the absence of any law declaring the grounds upon which matrimonial relief may be granted by Parliament, we must doubtless accept the principles already referred to as being laid down by the Minister of Justice in the *Ash* case, viz., that bills will be granted on the same evidence and under the same circumstances as applications will be granted before a judicial tribunal in the mother country which has jurisdiction over such a subject (a).

Assuming that this means that Parliament may grant bills of divorce upon the same grounds as the English Court, these grounds of relief may be thus briefly stated :—

“1. Adultery by the wife entitles the husband to a divorce, while a wife may obtain a divorce for incestuous adultery, bigamy with adultery, rape, sodomy or bestiality, adultery and cruelty, or adultery and desertion.

“2. Nullity of marriage may be obtained (a) on the ground of impotence or incapacity arising either from congenital malformation or from some defect of a permanent and incurable character; (b) on the breach of a statute directing certain forms of marriage; and (c) on the ground of bigamy, the former marriage being ground for a degree of nullity of a later one.

“3. The Court has also power to grant decrees for judicial separation on the ground of adultery, unnatural practices, cruelty or desertion for two years and upwards. The effect of the decree is to place the wife in the legal position of an unmarried woman, both as regards her husband and third parties.”

In Canada, adultery by the husband or wife of the petitioner has been the most frequent ground of relief. Out of the twenty-three such Acts granted by Parliament since the Union of the Provinces in 1867, eighteen were granted on the ground of adultery; three, although charging adultery, were really Acts to nullify marriages; one was for bigamy and adultery, and one for a separation equivalent to a judicial separation in England under a decree pronounced by the Divorce Court there. In the consideration of the facts connected with the applications on the ground of adultery, no distinction has been made between the husband and wife, as happens under the English Divorce Act; a petitioning wife may obtain a divorce upon the ground of the husband's adultery, as well as the petitioning husband upon the ground of the wife's adultery.

As already stated, the *Stevenson* (b) and *Lavell* (c) cases were really bills to nullify the marriages, there being evidence that the same were never consummated by cohabitation. To these may be added the *Ash* (d) case which was a bill to dissolve the first marriage which had been already dissolved by a decree of an American Court, Parliament declining to be bound by the action of a foreign tribunal. During the 1888 Session of Parliament, an application was made to nullify a marriage upon the ground of impotency. This was the first instance of the kind in the history of Canadian divorce.

The *Campbell* case (e) is one of the most peculiar in the history of divorce in Canada. In 1876, Robert Campbell petitioned for a bill of divorce from his wife on the ground of adultery. This was met by a counter petition from Mrs. Campbell charging him with cruelty and desertion. The Senate rejected Campbell's petition as not proved, and postponed further consideration of the cross-petition until the following Session. In 1877, no fresh evidence was adduced, but the Report of the Select Committee of the Senate from the previous Session was taken into consideration, with the result that the majority of the Senate declared Campbell's charges proved. The Bill was rejected in the Commons, however, on the ground that fresh notice of the application had not been given (f). In 1878, Mrs. Campbell prayed for leave to prosecute her cause

(a) Commons Debates, 1887, p. 1061.

(b) Senate Journals, 1869, pp. 78, 92, 106.

(c) Senate Journals, 1887.

(d) Senate Journals, 1887.

(e) Senate Journals, 1876, 1877, 1878, 1879.

(f) This shows that it is unsafe to assume that the Commons will always follow the practice of the Senate.

cause *in formâ pauperis*. This time the Senate rejected her application for want of notice. In 1879 she renewed her application *in formâ pauperis* after having given due notice thereof, and she obtained a bill equivalent to a judicial separation under a decree pronounced by the English Divorce Court, with a substantial annual cash allowance for the maintenance of herself and children. Provision was also made in the Act for enforcing the payment of the allowance. The right of Parliament to grant her maintenance and the custody of the children was warmly contested in both Houses, upon the ground that these being civil rights they could only be dealt with by the Provincial Legislature under the terms of the B. N. A. Act 1867, but the result of the decision of the majorities in the two Houses determined that they were incidents to marriage and divorce, and as such within the competency of Parliament (a).

In all cases, Parliament inquires particularly of the petitioner as to the collusion or connivance to obtain a divorce, proof of which is fatal to the application. The Ecclesiastical Courts intended by the word "collusion" an agreement or plan between husband and wife that one of them should commit, or appear to commit some act upon which the other could proceed to institute a suit. That is not the meaning in which the word "collusion" is used in the English Divorce Act, which contemplates an agreement between the parties as to the institution or conduct of the suit itself; for example, where the respondent, in pursuance of an arrangement with the petitioner, forbears to resist a false case, &c., or in any way becomes a party to a conspiracy to obtain a decree from the Court. The House of Lords regarded collusion in the same light as the Divorce Court now does under the statute. Where the petitioner has brought about the adultery charged against the respondent by acts expressly directed to that object, where, in fact, he or she has procured the commission of the offence, there is connivance (b).

Having glanced at the origin and history of Parliamentary Divorce in England and Canada, and indicated them as clearly as the crude and unsettled character of the principles upon which relief may be granted will admit, we will now proceed to briefly explain the procedure observed in relation to such applications. This is regulated by a few Rules or Orders of the House, evidently framed after those of the House of Lords, and they relate more especially to the forms of procedure than to the means of determining the merits of an application. In all unprovided cases, reference is had to the Rules and Decisions of the House of Lords (c).

Divorce bills originate in the Senate as a matter of usage, but there is no reason why they should not originate in the Commons (d). In dealing with matters of divorce, as has already been said, the Senate does not sit in a judicial capacity, tied down by certain laws or precedents, but it sits as a quasi-judicial and a legislative body, which has full power to act according to its own wisdom, so that its acts are not to be considered as mere forensic acts, but as acts of the Legislature (e). This, from a professional point of view, is most unsatisfactory, as the practitioner is unable to advise upon given facts with reasonable confidence. Not only has he to meet the difficulty of determining each case upon its individual merits without settled precedents, but the opinions of individual members must be kept in view. The vesting of the power of dealing with these matters in a permanent or standing committee of the House composed of judicially trained minds would go far towards remedying the difficulties now in the way. If the writer be correct, this has been done in England with respect to the applications for divorce that come from the portions of the Empire not within the jurisdiction of the English Divorce Court. They are disposed of altogether by a standing committee of the House of Lords, composed of the Law Lords.

Procedure.—

(a) With respect to maintenance or alimony, Wilson, C. J., held a contrary view: *McDougall v. Campbell*, 41, U. C. R. 352.

(b) Pritchard on Divorce, pp. 5, 6.

(c) Rule 84, Senate.

(d) Senate Debates, 1877, p. 227, Sir Alexander Campbell.

(e) A competent authority goes even further, and claims that Parliament in such matters is governed by no principle other than the individual opinions and judgments of the gentlemen who give their time and attention to the consideration of each particular case. Senate Debates, 1887, p. 212, Senator Scott.

Procedure.—Proceedings in Parliament are commenced by petitions addressed to the Governor General, the Senate and the House of Commons, which petitions must be signed by the applicant. With the exception of the address and prayer, the petition should be in substance a mere transcript of the preamble of the Bill. The preamble ought to set out with a statement of the date and place of the marriage sought to be dissolved, describing sufficiently the parties and the ceremony, if any, which may have taken place. For, if the marriage be in itself invalid, the application for divorce is superfluous. The preamble in the next place ought to state shortly in what manner and for what length of time the parties have lived together as man and wife, subsequently to marriage; also whether any, and if any, what issue has been born of the marriage. If there should have been a separation before the commission of adultery, the fact and circumstances ought also to be stated. If a deed of separation was executed on the occasion of such separation, the deed should be mentioned. The preamble proceeds in the next place to state the charge of adultery, the name of the party (if known) with whom the crime has been committed, and the period when the guilty intercourse commenced. The preamble ought also to state whether the parties are still cohabiting in adultery; and it ought specially to aver that the petitioner has had no intercourse with the guilty spouse since the discovery of infidelity. If the adultery has been committed with more than one person, the preamble ought to specify the several persons with whom the commission of the crime is intended to be proved; for adultery, not specially charged, cannot be proved. If an action at law has been resorted to by the husband against the adulterer, the facts, verdict, and judgment should be stated.

There are usually three enacting clauses. The first of these enacts that the marriage is thereby dissolved, and shall be from henceforth null and void to all intents and purposes. The second clause enacts that the petitioner may at any time thereafter contract matrimony as if the dissolved marriage had not been solemnized. The effect of a divorce is that the *vinculum* is entirely broken, and the man and wife stand in the same position as if the other were dead (*a*). The third clause enacts that the issue, if any, of such second marriage, shall have and possess the same rights in every respect as if the first marriage had never been solemnized. In a few instances, further relief has been enacted, as in the *Whiteaves* case (*b*) the marriage contract was declared void. In the *Holiwell* case (*c*) the husband was barred of all claim in the estate and effects of the petitioner. In the *Riddell-Herchmer* case (*d*) the wife-petitioner was given the sole custody and control of the infant child. As has already been mentioned, the Bill in the *Campbell* case (*e*) provided for a separation, maintenance of the wife and children by the husband, the custody of the children, and authority to the Court to enforce the provisions of the Act.

The petition and Bill being prepared, and the notice being given, the former should be deposited with the Clerk of the Senate at least eight days previous to the opening of Parliament. It is usual at the same time to pay the fee of 200.00 dollars, to cover the expense which may be incurred by the Senate in passing the Bill. With this is also paid 10 or 15 dollars to cover the cost of printing the Bill in English and French.

Rule 72 of the Senate requires every applicant for a Bill of Divorce to give six months' notice of his intended application, and to specify from whom and for what cause, by advertisement in the "Canada Gazette," and in two newspapers published in the county where the applicant resided at the time of separation. By Rule 73, a copy of the notice as published in the "Canada Gazette" is to be served at the instance of the applicant on the person from whom the divorce is sought, if the residence can be ascertained, and proof by declaration under the Act respecting extra-judicial oaths of such service or of the attempts made to effect it to the satisfaction of the Senate, is to be adduced before the Senate on the reading of the petition.

On the presentation of the petition in the Senate, the senator in charge must produce the proof of the service of the notice of application upon the respondent.

There

(a) Edwards' "Law of Husband and Wife," 1883, p. 73.

(c) 40 Vict. c. 89.

(d) 50-51 Vict. c. 531.

(b) 32 Vict. c. 95.

(e) 42 Vict. c. 79.

There are two instances in which, the respondent not being found, the House deemed substitutional service sufficient (a).

As to what may be sufficient substitutional service, no rule has been laid down, but it is apprehended that such steps as may be directed by a Judge in a Court of Law in an ordinary action at law will, under similar circumstances, be recognised by the Senate in an application for a divorce.

The evidence of service, or attempts to effect the same, being satisfactory, the next step is to have the petition read and received. At this stage, if any proceedings at law have been taken prior to the petition, an exemplification thereof to final judgment duly certified by the proper authority is to be presented to the House, and if damages have been awarded, proof on oath must be adduced that the same have been levied and retained, or an explanation given of neglect or inability to levy the same under an execution.

If the Committee on Standing Orders reports to the House that all the orders have been complied with, the Bill is presented in the House by a senator, and submitted to its first reading.

The second reading of the Bill cannot take place until 14 days after the first reading; and notice of such second reading is to be affixed to the doors of the Senate during the period, and a copy thereof and of the Bill, duly served upon the party from whom the divorce is sought, and proof on oath of such service adduced at the Bar of the Senate, before proceeding to the second reading, or sufficient proof adduced of the impossibility of complying with the rule.

The copy of the notice of the second reading and of the Bill for service should each be signed by the clerk of the House. The person making the service should, of course, be provided with duplicates signed in the same way. As in the case of the service of the notice of application, there are precedents for substitutional service. Where the service has been personal, the person making service gives evidence of it at the Bar of the Senate. Substitutional service is usually proved by statutory declaration.

The terms of Rule 76 being thus complied with, Rule 77 requires the petitioner to appear below the Bar of the Senate, at the second reading, to be examined by the Senate, either generally, or as to any collusion or connivance between the parties to obtain such separation, unless the Senate think fit to dispense therewith. Counsel usually accompanies the petitioner at this stage. The practice is to suspend this rule and instruct a select committee, which hears the evidence, to answer the necessary questions.

The Bill is then referred to a Select Committee of nine members, by whom the witnesses are heard on oath, the evidence taken down in writing and reported to the Senate, with all vouchers adduced before the Senate; the preliminary evidence being that of the due celebration of the marriage between the parties by legitimate testimony, either by witnesses present at the marriage or by complete and satisfactory proof of the certificate of the officiating minister or authority.

Provision is made for the summoning of witnesses, and neglect or refusal to attend subjects the defaulter to the custody of the Usher of the Black Rod, as well as to the penalty of being obliged to pay all the expenses incurred.

The witnesses are examined and cross-examined, and the case made out by counsel subject to the ordinary rules of evidence.

Where the wife has no separate estate of her own, the House will order the husband to furnish means wherewith she may defend herself. In the *Campbell* case, the petitioning husband was directed to pay the fees of the wife's counsel who opposed his application, which fees were taxed by the chairman of the committee at 500 dollars. He was also obliged to deposit 250 dollars towards the payment of the expenses of her witnesses. Her counsel subsequently recovered from Campbell 350 dollars, or 50 dollars a day for seven days, for prosecuting the wife's cross-petition for a judicial separation (b). In the *Gardner* case the wife's counsel was allowed a retaining fee of 20 dollars, and 20 dollars a day for each day's attendance. In the *Nicholson* case the House directed

(a) *Martin* case, Senate Journals, 1870, p. 79.

(b) *McDougall v. Campbell*, 41 U. C. R. 362.

Ash case, Senate Journals, 1887, p. 30.

[This case was reversed on appeal, but the judgment of the Court of Appeal was never reported.—En.]

directed the wife's counsel to be paid 20 dollars the first day, and 10 dollars each day thereafter, and 2 dollars a day for herself for expenses in Ottawa (a).

The preamble is proved clause by clause. With respect to the evidence of adultery, it may be stated that whatever convinces the committee that the act has been consummated will be sufficient (b). Positive evidence of the fact is rarely attainable, and therefore in the great majority of cases the allegation of adultery is substantiated by circumstances from which inferences may be drawn.

The petitioner is invariably examined as to collusion or connivance, either of which is sufficient, if proved, to prevent the petitioner from obtaining relief.

At the conclusion of the evidence, counsel are at liberty to address the committee. The committee then report to the Senate whether the preamble has been proved or not, and counsel are again permitted to be heard at the Bar of the House on the evidence adduced, or on the provision for the future support of the wife. With respect to the latter point, there are several precedents in the old English practice, where, when the wife brought her husband a fortune, provision was made in the Bill for her future support. There has been no such precedent in Canada, except in the *Campbell* case, which was simply a case of separation.

The Bill, being favourably reported on, is then read a third time and passed, and then sent down with the evidence to the Commons. Here it goes through the ordinary procedure of a private bill, and the House may either reject it or pass it. If amendments are made, these amendments must be subsequently concurred in by the Senate. On the Royal Assent being given, the Bill becomes law. It was the practice until 1879 for the Governor General to reserve such Bills for the signification of Her Majesty's pleasure thereon, but this need not now be done, since the change in the Royal Instructions with reference to Bills (c).

Ottawa, 21 February 1888.

J. A. Gemmill.

MEMORANDUM respecting the Divorce Courts existing in the Provinces of Nova Scotia, New Brunswick, Prince Edward Island, and British Columbia.

NOVA SCOTIA.

By Rev. Statute, Nova Scotia, third series, cap. 126, a Court of Marriage and Divorce was established in Nova Scotia, and consisted of the President, Vice President and members of the Executive Council of the Province, but the Vice President and any two of the council were sufficient to constitute the Court. The Governor of the Province was President, and he had power to appoint the Chief Justice, or any judge of the Supreme Court, Vice President. The Court had jurisdiction to declare any marriage null and void for impotency, adultery, cruelty, precontract or kindred within the degrees prohibited by Statute 32 Henry VIII., c. 38, touching marriages and precontracts.

In 1866 (29 Vict. Nova Scotia, c. 13) the style of the Court was changed to the Court for Divorce and Matrimonial Causes: the then Vice President to compose the Court and to exercise the powers thereof under the title of Judge in Ordinary. On a vacancy occurring, the Judge in Equity for the time being was to become Judge Ordinary of the Court. The grounds for relief remain unchanged, except that no marriages can be decreed null and void by reason of precontract. The powers conferred on the Court for Divorce and Matrimonial Causes in England were extended to this Court, and the principles and practice that prevail in that Court were incorporated therewith as far as suitable and appropriate. The action of crim. con. has not, however, been abolished. Provision is made for appeal from the decision of the Judge to the Supreme Court of Nova Scotia.

(a) The *Gardiner* and *Nicholson* cases were both dropped after report by the Select Committee of the Senate.

(b) *Macqueen*, p. 535.

(c) *Bourinot's Parl. Pract.*, p. 680.

Tariff of Fees.

Court of Marriage and Divorce of Nova Scotia.	Dollars.
The Judge Ordinary, for each day he shall actually attend	4.00

Advocate and Proctor's Fees.

Retaining fee for counsel	5.00
Proxy	1.50
Draft of libel or other pleading, per folio	20
Engrossing same, per folio	10
Entering appearance	75
Every subpoena, citation, or other writ	1.00
Copies for service, each	30
Drawing affidavit of service of subpoena, citation, or other process or proceeding	40
Every petition necessary in conducting a cause	75
Every order	75
Counsel fee on making or defending every special motion, not to exceed	5.00
Drawing brief in every case, per folio	20
Counsel fee for examining and signing each pleading	2.33
Draft of interrogatories, per folio	20
Engrossing interrogatories, per folio	10
Counsel fee on hearing or argument, not to exceed	14.00
Making up bill of costs	75
Serving every subpoena, or other writ or order	70
Travel per mile, from the residence of the party making service to the place of service	05
Every necessary attendance on the registrar	1.50
Draft of decree, per folio	10
Engrossing decree, per folio	10

Schedule of Registrar's Fees.

Entering and filing every writ, bill, appearance, answer, or other pleading	0.50
Filing every other paper, each	10
Signing and sealing every writ or order and certifying copies of papers	50
Every motion in court or chamber	1.00
Every search	20
Copies of all papers, per folio	10
Every necessary attendance on Judge Ordinary	1.00
On trial or hearing, per day	5.00
Swearing every witness	20
On trial, decree or dismissal	1.50
Taking examination of every witness ordered by Judge, besides travelling expenses	5.00
Entering cause for court or chambers	30
Taxing costs	1.00

Commissioners on Examination of Witnesses.

For taking the examination of every witness, each commissioner per day	5.00
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NEW BRUNSWICK.

By 31 Geo. III. c. 5, An Act for Regulating Marriage and Divorce and for preventing and punishing Incest, Adultery and Fornication, all controversies concerning marriage and divorce were to be determined by the Governor and Her Majesty's Council, and the Governor and any five or more of the council were constituted a Court for that purpose, the Governor being President. The Governor had the power to appoint a deputy in the Court. On the division of Her Majesty's Council for the Province in 1834 into two bodies, the Executive and Legislative Councils, an amendment in that Act took place, and the Court thenceforth consisted of the Governor and the Executive Council, together with any one of the Judges of the Supreme Court or the Master of the Rolls.

By 23 Vict., New Brunswick, c. 37 (1860) all jurisdiction vested in the Court of Governor in Council in respect of suits, controversies and questions concerning marriage and contracts of marriage, and divorce, as well from the bond of matrimony, as divorce and separation from bed and board, and alimony, were vested in a Court of Record called "The Court of Divorce and Matrimonial Causes," and one of the Judges of the Supreme Court was commissioned under the great seal of the Province, Judge of the Court. The grounds of divorce *a vinculo* are limited to impotence, adultery, and consanguinity within the degrees prohibited by 32 Henry VIII., c. 38, and there is express provision that the divorce *a vinculo* on the ground of adultery shall not in any way affect the legitimacy of the issue.

Fees in Divorce Court of New Brunswick.

Third.—Court of Divorce and Matrimonial Causes.

Advocate.

	<i>Dollars.</i>
Retainer - - - - -	4.00
Perusing and signing libel, answer, or other pleading - - - - -	3.00
For every motion of course - - - - -	1.00
For every special motion - - - - -	2.00
On every hearing, argument, or when his attendance may be necessary, a fee in the discretion of the Court.	

Proctor.

Retainer - - - - -	3.00
Drawing every libel, plea, answer, or other paper or proceeding, per folio - - - - -	0.20
Every copy thereof, or of any order, per folio - - - - -	0.10
Term fee (only three allowed) - - - - -	1.34
Every proxy or authority in writing - - - - -	1.00
Every citation and copy - - - - -	2.00
Every subpoena - - - - -	0.80
Every copy thereof - - - - -	0.20
Every execution, or other writ - - - - -	1.00
Attending court on every special motion - - - - -	1.34
Attending court on every common motion - - - - -	0.67
Attending the judge on every motion - - - - -	0.67
Attending Registrar on drawing decree - - - - -	1.34
Attending Court on hearing or argument - - - - -	3.00
Serving all papers, each - - - - -	0.20
Attending Commissioners on examination of witness, <i>de bene esse</i> - - - - -	2.00
For postage and telegrams, amount actually and necessarily paid.	
For all other services, the same fees as are allowed attorneys in the Supreme Court.	

Registrar.

Filing and entering every libel, appearance, plea, answer, or other pleading	-	-	-	-	-	-	-	-	-	Dollars.	0.45
Filing every other paper	-	-	-	-	-	-	-	-	-		0.20
Signing and sealing every citation or other process	-	-	-	-	-	-	-	-	-		0.30
Drawing and entering all orders and rules, per folio	-	-	-	-	-	-	-	-	-		0.40
Copies of all common rules or orders	-	-	-	-	-	-	-	-	-		0.40
Every certificate	-	-	-	-	-	-	-	-	-		0.45
Every certificate under seal	-	-	-	-	-	-	-	-	-		1.00
Setting down cause for hearing, or on the motion paper	-	-	-	-	-	-	-	-	-		0.20
Minuting every motion	-	-	-	-	-	-	-	-	-		0.20
Every search	-	-	-	-	-	-	-	-	-		0.20
Every paper read in evidence	-	-	-	-	-	-	-	-	-		0.20
Swearing every witness	-	-	-	-	-	-	-	-	-		0.20
Taking minutes of evidence on hearing, if directed by the court, per folio	-	-	-	-	-	-	-	-	-		0.10
Copies of all papers required on appeal, or otherwise, per folio	-	-	-	-	-	-	-	-	-		0.10
Attending court on every hearing or argument, per diem exceeding four hours	-	-	-	-	-	-	-	-	-		2.00
Ditto not exceeding four hours	-	-	-	-	-	-	-	-	-		1.34
Every decree and dismissal	-	-	-	-	-	-	-	-	-		1.00
Drawing final decree, per folio	-	-	-	-	-	-	-	-	-		0.20
Engrossing decree, per folio	-	-	-	-	-	-	-	-	-		0.14
Each copy thereof, per folio	-	-	-	-	-	-	-	-	-		0.10
Taxing costs	-	-	-	-	-	-	-	-	-		0.70

Sheriffs' Fees.

Serving citation (including affidavit and return)	-	-	-	-	-	-	-	-	-	1.00
Serving copy of libel	-	-	-	-	-	-	-	-	-	0.50
Travelling from Court House, per mile	-	-	-	-	-	-	-	-	-	0.05

Crier.

On first motion in every case	-	-	-	-	-	-	-	-	-	0.20
On final decree	-	-	-	-	-	-	-	-	-	0.20
Swearing every witness	-	-	-	-	-	-	-	-	-	0.10

Commissioner.

For each witness examined	-	-	-	-	-	-	-	-	-	1.00
Taking every affidavit, or swearing witness	-	-	-	-	-	-	-	-	-	0.20
Drawing answer to interrogatories, per folio	-	-	-	-	-	-	-	-	-	0.20
Copies of ditto, per folio	-	-	-	-	-	-	-	-	-	0.10

Marshal.

When required by the court, for each day's attendance, to be paid in first instance by plaintiff	-	-	-	-	-	-	-	-	-	1.00
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Witnesses.

Witnesses' fees as in the Supreme Court.

PRINCE EDWARD ISLAND.

By 5 Wm. (1836) c. 10, all matters touching marriage and divorce, including separation from bed and board, and alimony, are directed to be heard by the Lieutenant Governor and his council, and the Lieutenant-Governor and any five or more of the council are thereby constituted a court with the Lieutenant-Governor as President. Authority is given the Governor to depute the Chief Justice of the Supreme Court to preside in his place.

The causes of divorce from the bond of matrimony are, frigidity or impotence, adultery, and consanguinity within the degrees prohibited by Act 32 Henry VIII, c. 38, touching marriages and pre-contracts.

There have been no divorce cases in this Province since it became a part of the Dominion of Canada in 1873, and the Attorney General of the Province states that there is no tariff of fees in existence that he knows of.

BRITISH COLUMBIA.

The Province of Columbia stands in a different position to that of any of the other provinces continuing to exercise the power of granting divorces since admission to the Federal Union.

After the union of the two colonies of Vancouver Island and the mainland of British Columbia, an ordinance, dated 6th March 1867, and passed by the Legislature of British Columbia, enacted that the civil and criminal laws of England, as the same existed on the 19th November 1858, and so far as the same from local circumstances were not inapplicable, were and should be in force in all parts of British Columbia, save so far as modified by legislation on the subject between 1858 and 1867.

Under this ordinance, jurisdiction to exercise all the relief and powers given under the English Divorce Act, 20 & 21 Vic. c. 85 (1857) has been assumed by the Supreme Court of British Columbia, but grave doubts have from time to time been expressed as to its right to do so.

British Columbia Rules of Court.

The same fees and costs as between solicitor and client, and party and party, and generally, shall be payable in divorce and matrimonial causes and matters as are payable in similar analogous proceedings and things in causes or matters in the Supreme Court.

[NOTE.—The following additional information was received from the Governor General subsequently to the date of the Despatch on p. 3.]

ONTARIO.

At the time Upper Canada, now Ontario, adopted the English law relative to property and civil rights, in 1792, no power to dissolve marriage was vested in the Courts in England, and the Provincial Legislature never conferred it. The Provincial Courts of Law and Equity, however, have jurisdiction to deal with the validity of a marriage contract on the ground of its being a civil contract, and in cases of fraud, mistake, duress, and lunacy, and possibly want of age, it may be declared void.

In *Beatty v. Butler*, tried at the Ottawa Assizes on the 16th November 1886, before Mr. Justice Proudfoot, the plaintiff, an infant under the age of 21 years, by her father and next friend, brought an action against defendant to declare her marriage null and void. It was proved that while she was not of sane mind and was incompetent to give her consent to, or enter into, any contract, the defendant obtained a license and took her to a clergyman and married her. Judgment was given declaring the marriage and solemnization of the ceremony null and void.

A man's intoxication or drunkenness on the occasion of the marriage ceremony is also ground to render void a marriage otherwise valid, but it must be shown that there was such a state of intoxication as to deprive him of all sense and volition and to render him incapable of knowing what he was about.

Since the passing of the Judicature Act, Revised Statutes of Ontario, 1888, c. 44, Sec 52, Sub-sec. 5, conferring upon the Court the power to make merely declaratory judgments or orders, there can be now no doubt of the jurisdiction of the Court to give relief at the instance of one of the parties against the other. Where there is no capacity to contract, from whatever cause, the right of the Court to declare will arise in every appropriate case.

The marriage of a minor above the age of 14 and under 21 at the time of marriage has been held to be valid in Ontario, but the correctness of this decision has been frequently questioned.

With respect to the other cases of marriage within the prohibited degrees of consanguinity or affinity, an English Statute, 5 & 6 Will. IV. (1835), c. 54, declares all such marriages *ipso facto* void, but Vice-Chancellor Estlin seemed to think the Act did not extend to Upper Canada. "My reasons are that the Colonies are not mentioned in the Act; nor included by any necessary or even strong intendment; that the Act is one of convenience and policy; that the law of England was not introduced into this Province by the Imperial Legislature but adopted by our own; that we have a local Legislature competent to deal adequately with such matters; that the inconvenience intended to be remedied by the Act 5 & 6 Will. IV., c. 54, is practically unfelt here; that such marriages are recognised as valid by many foreign systems, and that their being in violation of God's law, is, to say the least, extremely doubtful, although so declared by the statute of England, and for other reasons."

Should any case arise in which it is necessary or desirable that a *void* marriage should be judicially declared void, it is apprehended that relief may be afforded under the provisions of the Act, Revised Statutes of Ontario, 1888, c. 44, Sec. 52, Sub-sec. 5, by which the Court is authorised to make declaratory judgments or orders.

Under the Revised Statutes of Ontario, 1888, c. 44, Sec. 29, the Court has also jurisdiction to decree alimony to any wife who would be entitled to alimony by the law of England, or to any wife who would be entitled by the law of England to a divorce and to alimony as incident thereto, or to any wife whose husband lives separate from her without any sufficient cause, and under circumstances which would entitle her by the law of England to a decree for restitution of conjugal rights in an action for alimony. By the next Section (30) an order or judgment for alimony may be registered in any Registry Office in Ontario and thus bind lands.

MANITOBA.

Since the erection of the Province in 1870, various Acts of the Provincial Legislature and Dominion Parliament have introduced into the Province the laws of England, as they stood on the 15th July 1870, in so far as they could be made applicable to the position of matters in Manitoba, and in so far as they have not been, or may hereafter be, repealed, altered, or affected, by any Act of the Parliament of the United Kingdom, or of the Parliament of Canada.

This Province having been formed since the passing of the British North-America Act, 1867, no provincial legislation exists, as in the older Provinces of Nova Scotia and New Brunswick, to interfere with (until repealed by the Parliament of Canada) the provisions of the British North-America Act in respect to the subjects of Marriage and Divorce.

The Court of Queen's Bench of Manitoba exercises the jurisdiction and powers of the English Court of Chancery, and, as above pointed out in the case of the High Court of Justice in Ontario, it has jurisdiction to deal with the validity of the marriage contract in cases of fraud, duress, and lunacy.

NORTH-WEST TERRITORIES.

The foregoing remarks respecting the introduction of the English law into the Province of Manitoba, and the jurisdiction of the Court to deal with the validity of the marriage contract on the ground of its being a civil contract, are to a great extent applicable to the North-West Territories and the Supreme Court of the Territories.

CANADA.
—

QUEBEC.

From local reasons arising out of the old French laws and the preponderance of those professing the Roman Catholic religion, no Court has been vested with the power of dissolving marriage *a vinculo*.

By Article 185 of the Civil Code of Lower Canada, marriage is declared indissoluble.

The Provincial Courts, however, have jurisdiction to annul a marriage for "impotency, natural or accidental, existing at the time of the marriage; but only if such impotency be apparent and manifest. This nullity cannot be invoked by anyone but the party who has contracted marriage with the impotent person, nor at any time after three years from the marriage."

A marriage may also be annulled by the Court for any of the following causes: where there has been no free consent, or an absence of consent, of both parties or of one of them; error; absence of consent of parent, &c., to the marriage of a minor, and, lastly, where the marriage is between persons related within certain prohibited degrees.

It has been held also that where the contracting parties belong to the Roman Catholic Church, a marriage ceremony performed by a Protestant clergyman is invalid and the marriage may be declared void.

Provision is also made by the Civil Code for separation of the husband and wife for specific causes. A husband may demand the separation on the ground of his wife's adultery. A wife may demand the separation on the ground of her husband's adultery, if he keep his concubine in their common habitation. Husband and wife may respectively demand this separation on the ground of outrage, ill-usage, or grievous insult committed by one toward the other. The grievous nature and sufficiency of such outrage, ill-usage and insult, are not defined, but would appear to be left to the discretion of the Court, which, in appreciating them, must take into consideration the rank, conditions, and other circumstances of the parties. The refusal of a husband to receive his wife and furnish her with the necessaries of life, according to his rank, means, and condition, is another cause for which she may demand the separation.

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(In continuation of H. C. Paper, 144, 145 of June 1894 and 15, 7367.)

PART 3.—CANADA.

(*Mr. Henniher Henton.*)

Ordered, by The House of Commons, to be Printed,
23 August 1894.

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REPORT OF THE PROGRESS
OF THE
ORDNANCE SURVEY,

To the 31st December 1893.

Presented to both Houses of Parliament by Command of Her Majesty.



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Section I.

General Account of the Survey.

Under existing instructions the under-mentioned plans have been or are being published :—

1. Parish plans on a scale of 25·344 inches to a mile, $\frac{1}{2500}$, of the cultivated districts in all counties, commonly known as the *Cadastral Survey*.
2. County maps on a scale of six inches to a mile, $\frac{1}{10560}$, forming together the 6-inch map.
3. A topographical map on a scale of one inch to a mile, $\frac{1}{63360}$, in two forms, one in outline with contours, the other with hill features.
3. (a.) A temporary advance edition, published by photozincography, of the unengraved portion of the 1-inch map.
4. A map on the scale of four miles to an inch.
5. A map on the scale of 10 miles to an inch.

On the 22nd December 1886 the Treasury authorised a revision of the survey of *Great Britain*, and under this authority the cultivated districts in Lancashire, Yorkshire, Wigtownshire, Kirkcudbrightshire, Edinburghshire, Haddingtonshire, Fifeshire, Kinrossshire, and the Isle of Lewis, which were originally surveyed on the 6-inch scale only, are being re-surveyed on the $\frac{1}{2500}$ scale.

On the 28th October 1887 the Treasury directed the revision of the survey of *Ireland*, which was in progress on the 6-inch scale, to be carried out on the $\frac{1}{2500}$ scale.

Details of the progress of the survey and publication of the maps on the several scales are given in Section II. of this Report.

The Departmental Committee appointed by the Board of Agriculture in April 1892 to inquire into and report upon the Ordnance Survey, have, in their Report dated 31st December 1892, made several important recommendations with regard to the Survey.

The action which the Board of Agriculture have taken, or propose to take, on those recommendations, is stated in the Board's Minute of the 22nd December 1893, which has been presented to Parliament.

The following sketch of the origin of the scales in use and the action taken from time to time in regard to them may serve to explain the present condition of the various maps.

(a.) *Town Surveys.*

Town surveys on a large scale originated in the requirements of the Valuation Department in Ireland. The valuers required a minute survey of all the principal towns on a scale of five feet to a mile for their valuation of buildings. The towns in Ireland were consequently surveyed and drawn on the 5-feet scale, whilst the survey of Ireland on a scale of six inches to a mile was in progress, 1825–40.

The town plans in Ireland were engraved on copper for the following reasons : (1) the difficulty and cost of making the number of fac-simile M.S. copies of the plans required for legal uses were estimated not to be less than the cost of engraving ; and (2) the certainty of uniformity, the increased perfection of the plans on copper, the facility for future corrections and additions, and the general public utility arising from the easy distribution of copies.

In 1840 when Scotland and the six northern counties of England were ordered to be surveyed on the 6-inch scale, the towns were surveyed and drawn on the 5-feet scale ; and the plans were engraved on copper, apparently for the same reasons as those which led to the adoption of engraving in Ireland.

In 1853-54 the question of the scales upon which the Ordnance Survey maps should be drawn for permanent record was considered by the Government. A circular was issued by the Treasury on the 16th April 1853, and a large majority of the replies were in favour of a scale of 10 feet to a mile for towns. It is also stated in Treasury Minutes of the 27th December 1853, and 7th February 1854, that it had been proved to the satisfaction of Her Majesty's Government, by the experience of about 30 towns surveyed for the Board of Health, that the scale of five feet to a mile was not sufficient, and that densely populated town districts could not be delineated with sufficient distinctness for sanitary purposes on a smaller scale than 10 feet to a mile. The replies to a second circular issued by the Treasury on the 16th January 1854 were decidedly in favour of a scale of $2\frac{1}{2}$ inches to a mile, or 126.72 inches to a mile, which had been recommended for towns by the Statistical Society of London and the Statistical Conference of 1853 at Brussels.

In accordance with these opinions the Treasury issued a Minute, dated 18th May 1855, directing—

“5. That the plans of towns containing more than 4,000 inhabitants, which have hitherto been drawn on the scale of five feet to a mile, should be drawn on the scale of $2\frac{1}{2}$ inches of the linear measurement, which is equivalent to 126.72 inches to a mile.”

This Minute, confirmed by others of later date, remained in force until the 30th January 1894, when it was formally revoked by the Treasury.

The reasons which have led to the discontinuance of surveys on scales larger than $2\frac{1}{2}$ inches are fully stated in the Minute of the Board of Agriculture of the 22nd December 1893, and they need not be re-stated here. The result of the decision is that, after the completion of the Town Surveys now in hand, no surveys will be made, and no published plans will be revised at the cost of the State on a larger scale than $2\frac{1}{2}$ inches. It is considered, however, that the organization and experience of the Staff of the Ordnance Survey Department may properly be made available, under suitable conditions, for the revision and extension of Town Surveys in those cases in which the local authorities express their willingness to pay the cost. The arrangements under which the Department can best render the proposed assistance are now under consideration.

The Town Surveys now in hand are London, Plymouth and Devonport, Newcastle-on-Tyne, Felling, Gateshead, Jarrow, Hebburn, South Shields, Tynemouth and North Shields, WallSEND and Carville; Glasgow, and the towns in Edinburghshire, Haddingtonshire, Wigtownshire, Kirkcudbrightshire, Fifeshire, and Kinrossshire. The publication of the towns in Lancashire and Yorkshire has also to be completed.

When the scale of the town surveys was altered from five feet to a mile to $2\frac{1}{2}$ inches no instructions were given in regard to publication. The engraving of the plans was at first continued, and impressions printed when required; but the introduction of the cheaper process of zincography led to a system of printing an edition of each plan, which, if sold out, would cover the cost of publication. The view taken appears to have been that the plans would be used officially, as they were in Ireland, for valuation and other purposes; and that, as the cost of making two MS. fac-simile copies of the original plan was much greater than that of publishing an edition by zincography, it was desirable to publish. The expectation that the plans would be largely used has not been fulfilled. Consequently the cost of publication has not been repaid, and a large stock of town plans has accumulated. In accordance with the Treasury decision of the 30th January 1894, the publication, at the cost of the State, of plans on a larger scale than $2\frac{1}{2}$ inches, will cease when the plans of the towns now in hand have been published.

Survey of London on the 5-foot scale.—In 1842 the Government expressed a desire to have a survey of London made as soon as possible, showing the same detail as the Ordnance Survey of Dublin, which had been made on the 5-foot scale. Estimates were prepared and correspondence ensued, but in August 1844 the Treasury notified that they did not consider it advisable that the proposed survey of London should take place. In 1847 the Metropolitan Sanitary Commissioners made inquiries relative to the preparation of a block (skeleton) plan of the metropolis, and estimates were prepared. The Chief Commissioner of Woods and Forests then pressed that the block plan of London should be made without delay, and the Treasury authorised an expenditure not exceeding 1,000*l.* to be incurred in the necessary triangulation. Subsequently the Treasury directed that no expense was to be incurred on the work after 31st March 1848.

In consequence of this decision resolutions were passed by the Metropolitan Commissioners of Sewers, on the 1st April 1848, requesting the Board of Ordnance to continue

the triangulation, and undertaking to repay the cost if necessary, and on the 30th May 1848 the Commissioners further resolved that the Board of Ordnance be requested to proceed with the block plan of the Metropolis, so far as may be necessary for the purposes of the Commissioners, with all practicable speed, and that such payments on account as may be requisite for proceeding with the survey be made from time to time out of the Sewers rates.

The Commissioners having thus undertaken to defray the expense, the survey was proceeded with, and its completion was reported by the Director of the Survey on the 10th February 1852.

The work executed consisted of—

A manuscript skeleton, or block plan, on the scale of 5 feet to a mile ;

Engraving 400 of the double-elephant size sheets of the 5-feet block plan (including the densest parts of the Metropolis) on copper plates ;

Reducing the whole of the work surveyed to the scale of 1 foot to a mile, and engraving it on 44 double-elephant size copper plates.

The total cost of this work, including the regimental pay of Royal Sappers and Miners employed thereon, was 24,212*l*.

Repeated applications were made to the Commissioners for payment of this amount without success, the Commissioners stating that they were unable to discharge the amount out of the rates at their disposal. But in 1860 the Treasury, in order to effect a settlement, agreed to the following compromise, 10,000*l*. to be paid by the Metropolitan Board of Works out of the main drainage rates, the plates and copyright to be retained by the Ordnance Survey Department, as many copies of the plans as may be needed for practical purposes to be supplied to the Metropolitan Board, the Commissioners of Sewers of the City of London, and the several Vestries and District Boards of the Metropolis, at the rate of one shilling per sheet.

In 1863, when the Treasury authorised the extension of the Cadastral Survey to those parts of the Kingdom which had been surveyed on a scale of 1 inch to a mile only, it was decided to proceed at once in the county of Middlesex, and with the “filling in” of the skeleton plan of London. The publication of this work was completed in 1876.

The extension of the 5-foot survey of London and the revision of the published plans is now in progress. The original survey of London was published in 326 plans, the present survey will be published in 752 plans of the same size and on the same scale. As the engraving of these plans would employ 33 engravers for five years, and cost nearly 20,000*l*., it has been decided to abandon the engraved plates and publish the new plans by photozincography at a cost of about 1,200*l*. The publication of the plans will be completed before the end of 1896.

The Local Board of Hornsey have requested that the survey of their district may be made on the $\frac{1}{528}$ scale, and this is being done on repayment of the cost.

(b.) *Cadastral Survey.*

During 1852 the desirability of adopting a larger scale than that of six inches to a mile for the national survey was much discussed by professional persons ; and by a Treasury Minute, dated the 15th April 1853, Ayrshire and Dumfriesshire were directed to be surveyed “with that degree of accuracy which would admit of the plans of the cultivated districts being hereafter drawn on the scale of 24 inches to a mile if desired.”

On the 16th April 1853 the Treasury issued a circular letter “to a large number of the most experienced and scientific societies and persons in the Kingdom, requesting them to state their opinion on the comparative merits of a 6-inch, as contrasted against any larger scale, for the purposes of a national survey.” The weight of authority being decidedly in favour of a larger scale, a second circular (16th January 1854), was issued to the same parties requesting them to state what scale they would recommend. The replies were referred by Treasury Minute (13th June 1854), to a committee consisting of Sir John Burgoyne, Mr. Rendel, and Mr. Blamire, who reported unanimously that the weight of evidence was in favour of a scale of $\frac{1}{2500}$, popularly known as the 25-inch scale. This scale had also been unanimously recommended for a Cadastral plan, “*plan parcellaire*”, by the delegates to the International Statistical Conference, held at Brussels in 1853.

On the 14th July 1854 the Treasury directed the surveys of Ayrshire and Dumfriesshire to be drawn on the $\frac{1}{25000}$ scale, and that the course authorised in reference to those two counties should be applied to the survey of other districts. But by the Treasury Minute of the 18th May 1855 the $\frac{1}{25000}$ scale was confined to cultivated districts.

The introduction of the $\frac{1}{25000}$ scale being strongly opposed in Parliament, a Select Committee was appointed to consider the subject. The Committee reported (Report 6th May 1856, No. 198) in favour of the $\frac{1}{25000}$ scale for cultivated districts, and, after a debate and division in the House of Commons, their report was adopted. On the 18th June 1857, however, a motion in the House of Commons to discontinue the $\frac{1}{25000}$ survey was carried by a majority of 10; and orders were issued to adopt the 6-inch scale for all new work. A Royal Commission, appointed in consequence of this decision, reported (20th May 1858) that the survey of the cultivated districts in the northern counties of England, and of the counties of Scotland, should be completed and published on the $\frac{1}{25000}$ scale; and that the question of extending the survey on the $\frac{1}{25000}$ scale to the whole of the United Kingdom, or to the whole of the United Kingdom except Ireland, should be left to the decision of the Legislature. These recommendations were followed by the issue of a Treasury Minute, directing the survey to be carried out in accordance with the Minutes of the 18th May 1855 and 25th November 1856.

In 1862 a Select Committee, appointed in 1861, recommended that the cadastral survey on the scales directed by the Treasury Minute of the 18th May 1855, and recommended by the Royal Commission of 1858, and again directed by the Treasury Minute of the 11th September 1858, be extended to those portions of the United Kingdom which had been surveyed on the scale of one inch to a mile only. This recommendation, to which effect was given by Treasury letter of the 18th March 1863, did not apply to Ireland, Lancashire, Yorkshire, and the six Scotch counties that had been surveyed and published on the 6-inch scale.

On the 29th July 1880, the Treasury directed the progress of the Cadastral survey, as then ordered, to be accelerated, and arrangements were made to complete it by the 31st March 1890. These arrangements were carried out in the time and for the amount estimated. By the 31st March 1890 all the cultivated districts in Great Britain, excepting those in Lancashire, Yorkshire, and the six Scotch counties, had been surveyed and published on the $\frac{1}{25000}$ scale, in accordance with the recommendation of the Select Committee of 1861-62.

On the 22nd December 1886 the Treasury authorised the commencement of a revision of the plans, and it was decided that, before revising the published $\frac{1}{25000}$ plans, the cultivated districts of Lancashire, Yorkshire, and the six Scotch counties, which had been surveyed originally on a scale of six inches to a mile only, should be placed on the $\frac{1}{25000}$ scale, the towns being published on the $\frac{1}{5000}$ scale. This work is now in progress, and is so far advanced that the revision of the published $\frac{1}{25000}$ plans of the Home counties will be commenced this year.

On the 28th October 1887 the Treasury authorised the $\frac{1}{25000}$ scale for the whole of Ireland.

It was originally intended that the plans on the $\frac{1}{25000}$ scale should be kept in manuscript and not published. Sir C. Trevelyan, in his memorandum of the 19th October 1854, remarks that "the scale of $\frac{1}{25000}$, although likely to be of great value as a " central record from which copies of any portion of it on various scales may be made, " could not be engraved as a whole except at an expense which would be totally " disproportioned to the demand for the engraved sheets." He considered, however, that " if an engraving of the large standard map of any locality were desired, it might be " executed, upon an undertaking being given to pay a certain sum or to take a certain " number of copies at a certain price."

Soon afterwards Sir H. James, then Director of the Survey, recommended that copies of the plans should be made and sold to the public at a cost which should cover the entire cost of making them. The view was that by this arrangement the full advantage of the large scale map would be placed at the disposal of the public, and that, the plans being used locally for a variety of purposes, there would be a considerable sale. The proposal that the $\frac{1}{25000}$ plans should be published was approved by the Select Committee of 1856, and their publication was also recommended by the Royal Commission of 1857-58.

The expectation that the $\frac{1}{2500}$ plans would be generally and largely used for the purposes for which they were made has not been entirely fulfilled. In many instances three and four editions of a plan have been printed and sold, but in most cases the original edition has never been sold out. This is partly due to ignorance of the existence of the plans in the remoter rural districts, and partly to the small use made of them for local valuation and assessment, and other purposes. The advantages derived by the public from the sale of copies of the $\frac{1}{2500}$ plans are, however, so great that it is desirable that the revised series of plans should be published at the cost of the State.

The $\frac{1}{2500}$ plans were at first published by parishes, no detail being shown on any plan beyond the parish boundary, and an area book, giving the area of every inclosure in the parish, was published at the same time. As the plans came into more general use the inconvenience arising from this mode of publication was much felt, and in 1873 the system of publishing "full sheets," that is, plans in which the detail is shown up to the margins without regard to the parish boundaries, was adopted. In 1884 the present practice of stamping the areas of the inclosures on the plans was introduced, and the plans published since that date have no area books.

(c.) *The 6-inch Map.*

In 1824, a Select Committee of the House of Commons on the Survey and Valuation of Ireland recommended that the country should be surveyed on a scale of six inches to a mile (Report, No. 445, 1824). This survey was carried out, and the great practical value of the plans resulting from it led the Government to order the six northern counties of England and the whole of Scotland to be surveyed on the 6-inch scale (Treasury Minute, 1st October 1840). In 1851, the 6-inch survey of Great Britain was discontinued on the recommendation of a Select Committee (Report, No. 519, 1851); but in 1852 it was resumed (Treasury Letter, 28th August 1852). In 1854 it was again abandoned in favour of the $\frac{1}{2500}$ scale (Treasury Minute, 14th July 1854); but in 1855 it was resumed for "the Highland and other partially cultivated and thinly peopled districts" (Treasury Minute, 18th May). Under the above orders, Lancashire, Yorkshire, Edinburghshire, Haddingtonshire, Fifeshire, Kinross-shire, Wigtownshire, Kirkcudbrightshire, and the Island of Lewis were surveyed and published on the 6-inch scale.

In 1856, on the recommendation of a Select Committee (Report, 6th May 1856, No. 198), the Treasury (Minute of 25th November 1856) authorised the reduction of the plans on the $\frac{1}{2500}$ scale to the 6-inch scale, and their separate publication on that scale. The effect of this Minute, confirmed by the Minute of the 11th September 1858, was to authorise the publication of a complete map of Great Britain on the 6-inch scale ($\frac{1}{10560}$); that is, nearly the scale ($\frac{1}{10600}$) proposed by the Brussels Conference for the general map "*tableau d'assemblage*." Under these instructions the whole Kingdom has been published on the 6-inch scale.

In Ireland the 6-inch survey was published by counties for convenience of valuation, and each county was drawn on its own meridian.

This mode of publication was also adopted for Great Britain; but, as the plans came into more general use, its inconvenience became apparent. The system of drawing as many counties as possible on the same meridian was then adopted, and, at a later period, it was decided to publish full sheets, showing the ground up to the margins of the plans without reference to the county boundaries.

The Irish plans were engraved on copper, because the cost of preparing the number of manuscript copies required by the Valuation Department was estimated not to be less than that of engraving them. When the 6-inch scale was adopted for Great Britain, it was decided to engrave the map, and the plans of Scotland and of 22 counties in England and Wales were engraved. In 1880, when the Survey Vote was increased for the purpose of expediting the completion of the survey, it was found to be impossible to engrave the 6-inch map in a reasonable time. The photozincographic process was consequently adopted, in 1881, to bring the map out more rapidly. The plans of 30 counties in England and Wales have been published by this process, each plan, called a quarter sheet, being one-quarter the size of an engraved plan.

(d.) *The 1-inch Map.*

The principal triangulation, commenced in 1784 by Major-General Roy, was "partly designed for astronomical purposes and partly for a map on a small scale." The map, on a scale of one inch to a mile, was considered solely as a military map, and the detail plans were commenced by officers of Royal Engineers. When, owing to the exigencies of the war, these officers could no longer be employed, the work was carried on, principally for purposes of instruction, by the Corps of Royal Military Surveyors and Draughtsmen.

The publication of some parts of this military map having created a desire on the part of the public to possess better maps than had previously existed, steps were taken to expedite its progress by engaging additional surveyors, and by giving out certain districts to be surveyed and drawn by contract. After the conclusion of peace in 1815, the desire for a military map ceased, and its progress, from motives of public economy, became exceedingly slow. At this juncture, the gentlemen of Lincolnshire and Rutland offered to take a certain number of copies of the map if Government would proceed with it in those counties. This offer was accepted, and, the staff of the survey being increased, an examination was made of the plans made by contract. These plans were found to be wanting in the necessary accuracy, and attempts were made to revise and correct them. It was, however, found after a great expenditure of labour that the map produced was not satisfactory.

In 1825, the 1-inch map of Great Britain, which had made considerable progress, was almost entirely suspended, in order that Ireland might be surveyed on the 6-inch scale. On the 1st October 1840, when, Ireland being nearly completed, the six northern counties of England and all Scotland were ordered to be surveyed on the 6-inch scale, the Treasury directed the plans to be reduced to the 1-inch scale for the completion of the general map of the Kingdom.

In 1846 Col. Colby first, and afterwards a Select Committee of the House of Commons, recommended that a 1-inch map of Ireland, similar to that of Great Britain, should be produced. The Government, however, decided that the 6-inch map was sufficient, and that the preparation of a map on any smaller scale should be left to private enterprise.

In 1850 Sir H. de la Beche pointed out the importance of a map of Ireland on the 1-inch scale for geological purposes, and suggested, with a view of diminishing the cost of engraving, that it should be engraved in outline only. The Director of the Survey was instructed, on the 28th January 1852, to commence this map, and to expedite its production, it was published in "quarter" sheets. On the 18th August 1855, the commencement of a perfect map of Ireland with the hill features was ordered. The outline sheets having proved to be of great value for geological and other purposes, it was decided to continue their publication and to produce a distinct map with the hill features. Thus, two separate 1-inch maps of Ireland were authorised, one in outline only, the other with the hill features.

About the same time this mode of publication was adopted for the 1-inch map of Great Britain which had previously been published in one form only. When the change was made the map had reached a line running east and west a little north of Hull and Preston. South of this line the 1-inch map had been based on a 1-inch and 2-inch survey, constructed on six different meridians, and published in "whole" sheets, 36-inch by 24-inch, or, in some cases, in "quarter" sheets, 18-inch by 12-inch. North of the line the map of England was based on 6-inch, and $\frac{1}{25100}$ surveys, and was constructed on one meridian; it was also published entirely in "quarter" sheets, and excepting four sheets, in two forms, outline and with hill features. The sheets on this new system were numbered as a continuation of those south of the Hull-Preston line, that is, of those forming what is known as the *old* 1-inch map, and they were considered as the completion of the military map of England and Wales. The first sheet of this map was published on the 1st January 1861, and the last on the 1st January 1870.

The 1-inch map of Scotland, based on 6-inch and $\frac{1}{25100}$ surveys, was constructed on its own meridian, and published in outline and with hills. The outline map is finished, and the hill map will be completed this year.

In May 1871 the War Department, finding that the old 1-inch map of the south of England was not sufficient accurately for military purposes, requested that a new

1-inch map of that portion of the Kingdom might be published, with hill features, as the Cadastral survey progressed. This map was authorised by the Treasury in July 1872, and it was decided to publish it on the same projection, and in the same form as the sheets north of the Hull-Preston line, so that eventually there might be a uniform map of England and Wales on the 1-inch scale similar to those of Scotland and Ireland.

To carry out the scheme of a uniform map Sir Henry James, then Director-General of the Survey, re-numbered the sheets north of the Hull-Preston line, commencing with No. 1, Berwick-on-Tweed, and extended the series southwards so as to include the whole of England and Wales. This map, of which all the sheets are identical in size and construction, is called the "new series" 1-inch map, though the northern sheets were originally published in completion of the old 1-inch map.

The slow progress of the Cadastral survey and the employment of the engravers on the map of Scotland delayed the production of the *outline* edition of the new map, and it was not until 1887 that steps could be taken to expedite its publication. Under existing arrangements it will be completed by the end of 1896.

On the 8th August 1891 the Treasury authorised the publication of an advance edition of the 1-inch map in outline by photozincography so as to enable the whole of England and Wales, excepting South Lancashire and South Yorkshire, to be published in this form, or by engraving, by the end of 1892. This work has been completed.

When the new series map, *with hill features*, was commenced it was found that the hill features, taken from the old field sketches were not sufficiently accurate, and it became necessary to re-sketch them on the ground. These sketches could not be made until the Cadastral plans had been reduced, and the ground had been contoured; the progress for many years was consequently slow. In 1872, and again in 1887, the question of completing the publication of the new 1-inch hill map by a rapid reproductive process was carefully considered. The conclusion arrived at was that the standard map of England and Wales ought not to be inferior to the maps of Scotland and Ireland, and that, like them, it should be completed by engraving. Under existing arrangements the field work connected with the hill-sketching will be completed by the 31st December 1897, and the whole map will be engraved by the 31st December 1902.

In 1872 the Treasury laid down that the outline sheets might at any time, if it were thought advisable, be completed by printing on them hill features by a cheaper process than that of engraving. As there was no public demand for the early completion of the new series map with hill features, and the evidence afforded by the sales in Scotland and the north of England tended to show that the outline edition was most generally used, no steps were taken to expedite the publication of the hill map. In 1891, however, a general wish having been expressed that more rapid progress should be made, the Treasury authorised the completion of the hill map partly by engraving and partly by photozincography by the end of 1900. Arrangements have been made for expediting this work, and completing the combined photozincographed and engraved map by the 31st December 1898.

In conformity with a recommendation made by the Departmental Committee appointed in April 1892 to enquire into and report upon the Ordnance Survey, the *revision* of the 1-inch map is being carried out independently of that of the larger scale maps, and an addition has been made to the Survey Estimates for the purpose. The revision was commenced last year, but the War Department not having been able to raise the Survey Companies, Royal Engineers, to the strength proposed by the Board of Agriculture, and approved by the Treasury, the progress has not been as rapid as was anticipated. The date fixed for the completion of the revision is the 31st March 1897. When the map has once been brought up to date it is intended that no sheet should afterwards represent a survey, or revision, more than 15 years old, and that all sheets should be annually brought up to date as regards railways, canals, and important public works. The Board of Trade and the various Sanitary Authorities have been requested to send early notice of new works and improvements to the Department.

The revision has been commenced in the South-Eastern counties, where it was most needed, and the field work in these counties has been completed. The publication of the revised sheets will be commenced this year.

During the progress of the revision certain alterations will be made in the map so as to bring it more into harmony with military requirements without injuring its utility for civil purposes.

(e.) The 4-Mile Map.

The map on a scale of four miles to an inch was commenced in 1859 as a general map of the Kingdom on that scale. In 1872, when the new 1-inch map was authorised, the engraving of the 4-mile map, then well advanced, was discontinued; the intention being to delay the publication of the map until it could be revised from the new survey.

In 1884, however, the Director-General of the Geological Survey requested that it might be completed, as even in its state at that time it was considered to be sufficiently accurate for geological purposes. The map was consequently completed without any revision excepting the insertion of new railways. Subsequently a demand for transfers from the plates and other circumstances having indicated that its issue would meet a public want, it was published with its known imperfections. To guard against any possible misconception a note was added to each sheet to the effect that it was reduced from the old 1-inch map.

The revision of this map will immediately follow that of the 1-inch map. When the outline has been revised the map will be completed with the hill features; and it is also proposed to publish it in colour.

(f.) The 10-Mile Map.

The map on a scale of 10 miles to an inch has been engraved as an index to the 1-inch map. It will eventually be revised and published as a general map of the Kingdom.

(g.) Miscellaneous.

Revision of Place Names.—The Royal Scottish Geographical Society has appointed a "Place-name" Committee to co-operate with the Ordnance Survey Department in the revision of the place-names of Scotland. In view of the commencement of the revision of the 1-inch map of Scotland this year the Committee has written to the best local authorities in the various Highland counties of Scotland to ask whether they would consent to assist the Gaelic-speaking employé of the Ordnance Survey Department who will be specially employed on the revision of the names. The Department is much indebted to the members of the Place-name Committee for the valuable assistance they have already rendered.

The 1-inch sheets of Wales are being submitted, prior to publication, to local Welsh scholars nominated by the County Councils of the several counties.

Depths of Lakes.—Dr. Hugh Mill, who was engaged during the summer of 1893 in making a systematic bathymetrical survey of the larger English lakes, has communicated the results he obtained to the Department. These results will, as far as possible, be inserted on the 6-inch map of England.

Section II.

State of the Survey and Publication of Maps.

1. England and Wales.

Area, 59,651 square miles.*

TOWN SURVEYS.

The plans of all towns entitled to a large scale survey, at the date of the survey of the district in which they are situated, have been published.

* This area will require modification when the present areas of Lancashire and Yorkshire have been computed from the large scale survey now in progress.

Re-survey of Towns in Lancashire and Yorkshire.—The area re-surveyed on Town Scales is 124,745 acres, of which 123,455 acres have been published.

During the year plans of the following towns have been published on the $\frac{1}{2500}$ scale:—Blackburn, Haslingden, Ilkley, North and South Stockton, Sheffield, Whitby, and Wittington; and the revision or re-survey of the following towns is in progress:—Ashton-under-Lyne, Middlesbrough, and Stockport.

Revision.—The survey of *London* on the 5-feet, $\frac{1}{1056}$, scale, is being revised and extended. The total area to be surveyed or revised is 116,582 acres. The area surveyed is 68,288 acres, of which 25,165 acres have been surveyed during the year. The area published is 5,069 acres.

The survey of *Plymouth* is being revised and extended, and the publication of the plans is in progress.

The surveys of the *Tyneside towns* in Northumberland and Durham are being revised and extended.

THE CADASTRAL SURVEY ON THE $\frac{1}{2500}$ SCALE.

(Vide Map, No. 1.)

All cultivated districts in England and Wales, with the exception of Lancashire and Yorkshire, have been surveyed and published on the $\frac{1}{2500}$ scale, in accordance with the recommendations of the Select Committee of 1862. The dates of the surveys of the several counties are given on Map 3.

Re-survey of Lancashire and Yorkshire on the $\frac{1}{2500}$ Scale. (Vide Map, No. 2.)—All the *cultivated districts*, 7,068 square miles, have been surveyed. The area published is 6,214 square miles, of which 2,928 square miles were published during the year.

The publication of the plans will be completed by the end of 1894.

Revision.—The revision of the $\frac{1}{2500}$ plans of Middlesex, Surrey, Kent, and Hants will be commenced in 1894.

MAPS ON THE SCALE OF SIX INCHES TO A MILE.

(Vide Map, No. 1.)

Publication.—All England and Wales has been published on the 6-inch scale.

Revision.—The *uncultivated districts* in Lancashire and Yorkshire, 861 square miles, have been revised on the ground.

The publication of the revised 6-inch plans of Lancashire and Yorkshire is in progress. The area published is 2,882 square miles, of which 1,258 square miles were published during the year.

MAPS ON THE SCALE OF ONE INCH TO A MILE. (NEW SERIES.)

(Vide Map, No. 4.)

Publication.—The *new series* 1-inch map, based upon the $\frac{1}{2500}$ and 6-inch surveys, is published in two forms:—

1. *Outline and Contours.* The area published is 48,624 square miles, of which 3,259 square miles were published during the year.

Some of the sheets of Wales, proposed for publication in 1893, have been kept back for a revision of the Welsh names. These sheets, with others, containing a total area of about 7,610 square miles, will be published in 1894, and the whole map will be completed in 1896.

Combined maps of Brighton, Derby, and Gloucester and Cheltenham have been published, and similar maps of Chatham, Plymouth, and Nottingham are in progress.

2. Hill features. The area published is 15,317 square miles, of which 1,561 square miles were published during the year.

According to existing arrangements, the publication of this map will be completed in 1902.

Revision.—The area which, on the 31st March 1897, will represent a survey more than fifteen years old, is 33,764 square miles. During the year 12,420 square miles have been revised in the field, and the publication of the revised sheets will be commenced in 1894.

Temporary Advance Edition published by Photo-zincography.—The outline edition of the 1-inch advance map (see page 9) has been completed. The area of the advance map with *hill features* published during the year is 2,069 square miles.

2. Scotland.

Area, 30,902 square miles.

TOWN SURVEYS.

The plans of all towns entitled to a large scale survey when Scotland was surveyed have been published. Edinburgh and Dundee have been revised at the cost of the local authorities.

Re-survey.—The towns in the Counties of Wigtown, Kirkcubright, Edinburgh, Haddington, Fife, and Kinross, are being re-surveyed on the $\frac{1}{500}$ scale.

Revision.—The survey of Glasgow is being revised and extended.

THE CADASTRAL SURVEY ON THE $\frac{1}{2500}$ SCALE.

(Vide Map, No. 5.)

Maps of the parishes on the $\frac{1}{2500}$ scale have been published for the cultivated portions of the counties of Aberdeen, Argyll, Ayr, Banff, Berwick, Bute, Caithness, Clackmannan, Dumbarton, Dumfries, Elgin, Forfar, Inverness, Kincardine, Lanark, Linlithgow, Nairn, Orkney Islands, Peebles, Perth, Renfrew, Ross and Cromarty, Roxburgh, Selkirk, Shetland Islands, Stirling, and Sutherland.

The total area published on the $\frac{1}{2500}$ scale is 12,687 square miles. The dates of the surveys of the several Counties are given on map 7.

Re-survey of the Counties of Wigtown, Kirkcubright, Edinburgh, Haddington, Fife, and Kinross, also the Isle of Lewis on the $\frac{1}{2500}$ scale.—The cultivated districts of these Counties (*vide* Map No. 6.), 2,429 square miles, are being re-surveyed on the $\frac{1}{2500}$ scale. The area surveyed and plotted is 1,857 square miles, of which 989 square miles were surveyed during the year. The area published is 39 square miles.

MAPS ON THE SCALE OF SIX INCHES TO A MILE.

(Vide Map, No. 5.)

Publication.—The 6-inch maps have been published of the whole of Scotland.

Revision.—The *uncultivated districts* of Wigtown, Kirkcubright, Edinburgh, Haddington, Fife, and Kinross, 925 square miles, are being revised. 139 square miles have been revised in the field.

MAPS ON THE SCALE OF ONE INCH TO A MILE.

(Vide Map, No. 8.)

Publication.—The whole of Scotland is published on the 1-inch scale in outline, and the area published with hills is 30,748 square miles, of which 406 square miles were published during the year.

The *revision* of the 1-inch map in outline will be commenced in 1894.

MAP ON THE SCALE OF FOUR MILES TO AN INCH.

An advance edition of the map of Scotland on a scale of four miles to an inch has been published in outline by photozincography.

3. Ireland.

Area, 32,530 square miles.

TOWN SURVEYS.

The revision of Ennis and Tralee on the $\frac{1}{500}$ scale, and of Ballymoney, Belfast, Bessbrook, Blackrock, Booterstown, Kingstown, Castlebar, Cookstown, Enniskillen, Holywood, Larne, Legoniel, Longford, and Westport on the $\frac{1}{1056}$ scale is in progress. Plans of Armagh, and Banbridge on the $\frac{1}{500}$ scale, and Dublin, Loughrea, and Tuam, on the $\frac{1}{1056}$ scale, have been published. Revised plans of Cork and Pembroke on the $\frac{1}{1056}$ scale are being published.

THE CADASTRAL SURVEY ON THE $\frac{1}{2500}$ SCALE.

(Vide Map, No. 10.)

County Dublin has been published on the $\frac{1}{2500}$ scale.

The re-survey of Ireland on the $\frac{1}{2500}$ scale is proceeding in Antrim, Clare, Galway, Kerry, and Mayo, and 3,997 square miles have been surveyed, of which 904 square miles have been surveyed during the year. The area published is 981 square miles, of which 477 square miles were published during the year.

MAPS ON THE SCALE OF SIX INCHES TO A MILE.

(Vide Map, No. 9.)

The whole country has been surveyed, and the plans are published on the scale of six inches to a mile.

Revised maps on the 6-inch scale have been published of the under-mentioned counties:—

Antrim.	Kildare.	Queen's County.
Armagh.	King's County.	Roscommon.
Carlow.	Leitrim.	Sligo.
Cavan.	Londonderry.	Tyrone.
Donegal.	Longford.	Westmeath.
Down.	Louth.	Wicklow.
Dublin.	Meath.	
Fermanagh.	Monaghan.	

These counties contain an area of 16,770 square miles.

The engraving of the revised map of Galway is in progress.

MAPS ON THE SCALE OF ONE INCH TO A MILE.

(Vide Map, No. 11.)

The whole of this map has been engraved and published in outline, and the plates are being revised as the revision on the larger scales progresses. The area published with hills is 30,803 square miles, of which 793 square miles were published during the year.

MAP ON THE SCALE OF FOUR MILES TO AN INCH.

A map of Ireland on the scale of four miles to an inch has been published, and a new edition, which is complete in outline, is in course of preparation.

4. Isle of Man.

Area, 233 square miles.

The *towns* in the Isle of Man have been published on the $\frac{1}{50,000}$ scale; the *cadastrol survey* on the $\frac{1}{25,000}$ scale, and the 6-inch map have been completed and published. The 1-inch map has been published in outline and with hill features, as part of the new series 1-inch map of England and Wales.

Tabular Statement of Progress.

SURVEY OF GREAT BRITAIN AND IRELAND.

	England and Wales (including the Isle of Man).		Scotland.		Ireland.	
Area - - -	Square miles. 59,884		Square miles. 30,902		Square miles. 32,530	
Towns, $\frac{1}{50,000}$, $\frac{1}{25,000}$, &c. scales.	Completed.		Completed.		Completed.	
$\frac{1}{50,000}$ scale - -	Completed, except the counties of York and Lancaster. See <i>Revision</i> below.		Completed, except the counties of Wigtown, Kirkcubright, Edinburgh, Haddington, Fife, and Kinross, and the Isle of Lewis. See <i>Revision</i> below.		See <i>Revision</i> below.	
6-inch scale -	Completed.		Completed.		Completed.	
1-inch scale.	During the year 1893.	Total	During the year 1893.	Total	During the year 1893.	Total
Published in outline.	3,259	48,624	Completed.		Completed.	
Engraved.						
Published with hill features. Engraved.	1,561	15,317	406	30,748	793	30,803
Advance edition.						
Published in outline.	Completed.					
Photozincographed.						
Published with hill features. Photozincographed.						
	2,069	2,477				

RE-SURVEY AND REVISION.

	Lancashire and Yorkshire, area 8,224 square miles.		Scotland.		Ireland.	
$\frac{1}{50,000}$ scale.	During the year 1893.	Total.	During the year 1893.	Total.	During the year 1893.	Total.
Surveyed and plotted	5	7,068	980	1,857	904	3,997
Published - - -	2,928	6,214	39	39	477	981
6-inch scale.						
Revised - - -	1	861	139	181	2	16,535
Published - - -	1,258	2,882	—	—	309	16,863

Section III.

Personnel.

Since its commencement the survey has been organised upon a military basis, and carried out under military superintendence. The chief supervision, from the Director-General downwards, has been vested in officers selected from the corps of Royal Engineers. The 13th, 14th, and 16th companies of Royal Engineers were raised for the Ordnance Survey in 1824 and 1825; and the 19th company was added in 1848. These companies have been continuously employed on the Survey to the present time.

A certain number of officers and men of the Royal Engineers are held in readiness for service with an army in the field, to carry out such surveys as may be considered necessary during the progress of a campaign.

In June 1891 the Board of Agriculture appointed a Departmental Committee to inquire into the position of the civil assistants employed on the Ordnance Survey. After a very lengthened and careful investigation the committee reported on the 31st March 1892, and their report was presented to Parliament. They recommended an increase to certain allowances and an extension of certain privileges in regard to travelling allowances, sick pay, leave, &c. To these recommendations the Treasury and the Board of Agriculture have given effect by order and minute.

Section IV.

Methods of Production.

1. *Production of the Manuscript Plan.*—The original detailed survey and manuscript plan are made for towns on the $\frac{1}{500}$ scale (commonly called the 10-foot scale), and for rural districts on the $\frac{1}{2500}$ scale (known as the 25-inch scale). London, and a few other towns are, however, surveyed and drawn on a scale of five feet to a mile. All $\frac{1}{500}$, $\frac{1}{1056}$, and $\frac{1}{2500}$ plans in England and Scotland are now drawn for direct reproduction by photo-zincography.

2. *Zincography and Photo-zincography of the $\frac{1}{500}$ and $\frac{1}{2500}$ Maps.*—New editions of $\frac{1}{500}$ and $\frac{1}{2500}$ plans drawn prior to 1889 are published by zincography. The manuscript plans are traced in transfer ink on transfer paper; the traces are then laid down on zinc, and impressions printed for sale. With these exceptions photography now serves as the basis for all published maps. “Stippling” has been substituted for colour on new $\frac{1}{500}$ plans, and “hatching” on new $\frac{1}{2500}$ plans.

All new $\frac{1}{500}$ and $\frac{1}{2500}$ plans are now published by photo-zincography, and the impressions published for sale are therefore *fac-similes* of the original MS. plans. The photo-zincographic process is fully described in the Report for 1889.

The Parish and County Index maps that are now being issued are coloured by stencilling.

3. *Production of the 6-inch Plans.*—In South Lancashire and South Yorkshire the revised 6-inch plans are being published by photo-, or helio-zincography from the new 25-inch plans. The detail is drawn and the names are typed, in a style suitable to reduction, on cyanotypes on the 12-inch scale, and from these the 6-inch quarter sheets are directly produced.

In the northern portions of the two counties, where the changes in the artificial features have been slight, the alterations are being carried out on duplicates of the original copper plates.

4. *Production of the 1-inch Map.*—The manuscript map on the scale of one inch to a mile is produced from the 6-inch maps by the aid of photography. The detail that is to appear on the 1-inch map is drawn in black on cyanotypes on the 2-inch scale reduced from the 6-inch map. By this means the details in black only appear on the reduced photograph, and the increased accuracy of the photographic method is secured.

As soon as the engraving of the outline is completed, a copper matrix is taken of the plate, and a duplicate copper-plate made from this matrix by the electrotype process. This duplicate is used for printing the copies which are sold in outline, without the hill features.

The hill features are now engraved on a separate plate in the manner described in the Report for 1889.

For the production of the *advance edition* of the 1-inch map, with hill features, impressions from the engraved plates of the 1-inch map in outline are enlarged by photography to a scale of $1\frac{1}{4}$ inches to a mile. Transfers from the negatives are laid down on zinc and impressions, in very faint blue, are printed on fine drawing paper. On these impressions the hills are drawn in black, and they are then reduced by photography to the 1-inch scale, and transferred to zinc. The hills are afterwards printed in brown over the black outline by double printing.

5. *Photography*.—A new camera for plates 15 inches by 30 inches has been constructed, and is working satisfactorily. During the year 3,764 negatives, 3,606 prints, and 4,211 transfers, have been produced in the Photographic Department. The need of a new photographic building to meet the great development of the photographic work is much felt.

In the process to which the name *helio-zincography* has been given, for the sake of distinction, a reversed negative is printed on a thin sensitized zinc plate which is developed and printed in the usual way. The process, whilst giving at least equal results, is rather quicker than photo-zincography; and it will greatly facilitate the introduction of colour-printing.

6. *Machinery*.—The Quad steam zinco-printing machine erected last year has given satisfaction. The number of impressions printed during the year was 233,385. A new 50 H. P. loco-boiler has been erected.

7. *Workshops*.—There has been no change in the machinery in the workshops.

8. *Electrotyping*.—The alterations to the fittings in the Electro Department have been completed. All the horizontal depositing troughs have been replaced by vertical troughs which occupy less space, and are cleaner and more convenient for working. A further supply of accumulators has been obtained to facilitate night work.

The appliances for steeling and nickeling the copper plates are now complete.

9. *Paper*.—Arrangements have been made under which the Department will in future purchase all papers required for the production of the maps from the makers without the intervention of the Stationery Office.

10. *Foreign Establishments*.—During the past year Major Johnston, R.E., and Lieutenant Wade, R.E., who have charge of the publication of the maps, visited the Government, and several Private, Establishments for the production and publication of maps in Bavaria, Belgium, France, Holland, Switzerland, and Würtemberg. The Officers were everywhere received with great courtesy, and the information they obtained will be of great assistance to them in the performance of their duties. In 1889 the Establishments in Austria and Germany were visited by Captain Haynes, R.E.

Section V.

Work for other Government Departments.

Surveys for Land Judges Court and Irish Land Commission.—Since 1859, when the first surveys were made for the Landed Estates Court, 4,754 estates, containing 3,557,877 acres, have been surveyed by order of the court at a cost of 148,225*l.* 6*s.* 3*d.* Of this sum 143,806*l.* 5*s.* 2*d.* has been repaid, leaving a balance of 4,419*l.* 1*s.* 1*d.*, which represents expenditure on estates not yet brought to sale. The rules of the Land Judges Court provide for the eventual repayment of all the costs of survey.

The first surveys for the Irish Land Commission were made in 1882, and since that date 88 estates, containing 145,012 acres, have been surveyed at a cost of 2,659*l.* 0*s.* 11*d.* Of this sum 2,651*l.* 0*s.* 10*d.* has been repaid, leaving a balance of 8*l.* 0*s.* 1*d.*, which represents work in hand.

The number of vesting orders and conveyances on which maps have been drawn for transfers of land under the Land Commission has been 16,545, at a cost of 2,356*l.* The work under this head has greatly increased.

Geological Survey.—Provision is made in the Survey Vote for engraving, at the Ordnance Survey Offices, the geological map of the United Kingdom on duplicate plates of the 1-inch map.

Land Registry Office.—The arrangement under which the Ordnance Survey Department has since the 1st January 1889 prepared maps for first registration, and kept an index map of lands registered, has continued to work satisfactorily.

Services for other Government Departments.—Services have been rendered as required during the year to various public offices, including the Admiralty, Census Office, Stationery Office, War Office, Crown Office, and Board of Supervision for relief of the Poor, Scotland.

The work for the War Office, including several special surveys, and copying and printing a large number of maps, and the work in connection with the Census, has been very heavy.

Section VI.

Photozincography of Ancient MSS.

The process of photozincography, which was invented at this Office in 1859, besides being used extensively in the preparation of the Ordnance maps, has been applied to the reproduction of a series of fac-similes of the most valuable of the National MSS., by authority of the Treasury.

The following table shows the works that have been published, the cost of production, the sum credited for sales and presentations, and the value of the stock in hand :—

Works Published.	Cost of Production.*	Sales and Presentations.	Gross Value of Stock in Hand.
	£	£	£
Domesday Book - - - -	2,909	3,335	1,652
National MSS. :			
England - - - -	1,508	3,796	4,114
Scotland - - - -	817		
Ireland - - - -	1,956		
Black Letter Prayer Book of 1636 - -	652	640	
Anglo-Saxon Charters - - - -	899	205	
Totals - - - -	8,741	7,976	5,766

* The cost incurred at Her Majesty's Stationery Office for letter-press printing, paper, and binding is not included.

Section VII.

Sale of Maps.

The maps are sold at the following prices:—

Scale.	Description of Map.	Dimensions.	Price per Sheet.
		in. in.	s. d.
1-inch	England and Wales, old series, full sheets - -	36 × 24 (about)	2 6
"	" " " quarter sheets - -	18 × 12	1 0
"	" " " new series - -	18 × 12	1 0
"	Scotland - - - -	24 × 18	1 9
"	Ireland - - - -	18 × 12	1 0
6-inch	Great Britain and Ireland, full sheets - -	36 × 24	2 6
"	" " " partly blank - -	36 × 24	2 0
"	England and Wales, on the new system - -	18 × 12	1 0
25-inch	Great Britain and Ireland - - - -	38 × 25	From 2s. 6d. to 23s.*
10-feet	Towns - - - -	38 × 25	
10-feet	" - - - -	36 × 24	From 2s. 6d. to 15s.*
5 feet	" - - - -	36 × 24	

* Uncoloured impressions are supplied at 2s. 6d. of the town plans and the 25-inch plans ; or if areas are shown on the latter, under the system recently adopted, the charge is 5s.

RETURN showing the NET AMOUNT of the SALE of ORDNANCE MAPS and BOOKS, including the value of those supplied to Public Departments, Public Institutions, Public Libraries, Government Educational Establishments, Foreign Governments, and under the Provisions of the Copyright Act, by the Ordnance Survey, and by Her Majesty's Stationery Office, between the 1st January and 31st December 1893.

		Sales and Presentations by		Total.
		The Ordnance Survey.	H.M. Stationery Office.	
England	One-inch scale - - - - -	£ s. d. 382 0 3	£ s. d. 1,480 11 1½	£ s. d. 1,862 11 4½
	Surrey, &c. hills, six-inch scale - - - - -	11 7 9	2 10 0	13 17 9
	Six-inch scale - - - - -	551 12 6	2,262 14 4	2,814 6 10
	1/2500 scale with area books - - - - -	838 14 0½	5,800 12 9½	6,639 6 10
	Town maps on various scales - - - - -	371 1 0¾	1,567 5 10½	1,938 6 11½
	Jerusalem and Sinai surveys - - - - -	—	20 3 0	20 3 0
	Sundry maps and books - - - - -	4,386 4 8½	282 13 6½	4,668 18 3
Total, including 6,357 <i>l.</i> 13 <i>s.</i> 11½ <i>d.</i> to Public Departments, Institutions, &c., and under the provisions of the Copyright Act -		6,541 0 3¾	11,416 10 8	17,957 10 11¾
Scotland	One-inch scale - - - - -	105 1 9¾	257 3 1½	362 4 11
	Six-inch scale - - - - -	157 17 4½	296 19 11½	454 17 4
	1/2500 scale with area books - - - - -	3 10 6	282 4 0	285 14 6
	Town maps on various scales - - - - -	5 7½	44 11 0½	44 16 8
	Total, including 286 <i>l.</i> 13 <i>s.</i> 9 <i>d.</i> to Public Departments, Institutions, &c., and under the provisions of the Copyright Act -	266 15 3¾	880 18 1¼	1,147 13 5
Ireland	One-inch scale - - - - -	86 11 0	138 4 9	224 15 9
	Six-inch scale - - - - -	971 11 7½	672 4 5½	1,643 16 1
	1/2500 scale with area books - - - - -	203 4 7½	32 9 9	235 14 4½
	Town maps on various scales - - - - -	41 12 1½	92 17 5½	134 9 7
	Total, including 1,355 <i>l.</i> 16 <i>s.</i> 10½ <i>d.</i> to Public Departments, Institutions, &c., and under the provisions of the Copyright Act -	1,302 19 4½	935 16 5	2,238 15 9½
	Total net amount - - -	8,110 15 0	13,233 5 2¼	21,344 0 2¼

ABSTRACT.

Sold by		£	s.	d.	£	s.	d.
The Ordnance Survey - - - - -		355	5	1½	13,343	15	7½
Her Majesty's Stationery Office - - - - -		12,988	10	6			
Presentations.	Ordnance Survey Office.	Copyright Act - - - - -	-	-	1,321	16	9½
		Public Departments - - - - -	-	-	6,171	7	11½
		Public Institutions - - - - -	-	-	96	14	6¼
		Public Libraries - - - - -	-	-	37	10	3¾
		Government Educational Establishments - - - - -	-	-	57	1	9½
	Her Majesty's Stationery Office.	Foreign Governments - - - - -	-	-	70	19	3¾
		Public Departments - - - - -	-	-	244	14	8¼
Total net amount -					21,344	0	2¼

Ordnance Survey maps are now sold by Mr. Stanford, Messrs. Menzies & Co., and Messrs. Hodges, Figgis, & Co., who are respectively the sole agents for England, Scotland, and Ireland. The conditions under which the maps are sold by the agents will be found in Section XI. of the Annual Report for 1889. Mr. Stanford has at the instance of the Board of Agriculture appointed 125 sub-agents throughout England and Wales, and undertaken to keep a stock of uncoloured maps and plans for sale. Copies of the map catalogue, index maps, and specimen maps on all scales, are supplied gratis to Mr. Stanford for distribution to his sub-agents.

Mr. Stanford received on 1st January 1885 maps to the gross value of 25,692*l.*, and this amount had increased on 31st December 1893 to a stock in hand of the value of 42,815*l.* The agent in Scotland received on 1st February 1887 maps to the gross value of 7,124*l.*, and the value of the stock in his hands on 31st December 1893, was 8,833*l.* The agent in Ireland draws his supplies from the stock at the Ordnance Survey Office in the Phoenix Park.

With the exception of the last three years, which show a slight decrease, there was a gradual increase in the total net value of the maps sold. The amount for 1886 was 9,462*l.* 5*s.* 6½*d.*, for 1887, 11,063*l.* 2*s.* 3½*d.*, for 1888, 12,573*l.* 2*s.* 0½*d.*, for 1889, 13,146*l.* 16*s.* 4½*d.*, for 1890, 13,763*l.* 19*s.* 5*d.*, for 1891, 13,635*l.* 0*s.* 1¾*d.*, for 1892, 13,444*l.* 18*s.* 8½*d.*, and for 1893, 13,343*l.* 15*s.* 7½*d.*

The sales have not been in proportion to the very great increase in the number of maps published.

Section VIII.

Utilisation of the Ordnance Survey Maps.

Land Transfer.—The new rules for the Land Registry Office, issued on the 1st January 1889, provide that “all maps furnished for registration shall be, or shall be prepared from, sheets of the Ordnance map on the largest scale extant for the locality.” Maps for first registration have since that date been prepared by the Ordnance Survey Department, and an index map of all lands registered has been made.

Boundaries and Areas.—In Ireland the boundaries and areas of territorial divisions as ascertained by the Ordnance Survey are the legal boundaries and areas of those divisions. And the Valuation Acts provide that the Ordnance Survey maps are to be used in ascertaining the areas of tenements.

In Great Britain the boundaries shown on the Ordnance Survey maps have no legal recognition, though, in compliance with the terms of the Survey Act (4 & 5 Vict. c. 30.) the boundaries of all parishes, &c. have been ascertained by local investigation and perambulation.

Arrangements have been made for the prompt delineation of all new and altered boundaries by bands of colour on the 6-inch map of Great Britain, and of the altered boundaries of counties and parishes, in the same manner, on the 1-inch map. Maps showing the boundaries thus delineated are kept for inspection at the office of the Board of Agriculture (3, St. James's Square, S.W.) and at the Ordnance Survey Office, Southampton. Copies are supplied to Local Authorities on payment.

In Great Britain the Ordnance Survey maps are rarely used as the basis of valuation for local assessment. The valuation list directed to be made by overseers of parishes, under 25 & 26 Vict. c. 103. s. 11, does not refer to the Ordnance Survey maps, and contains only a column headed “estimated extent.” Greater accuracy would be secured if it were made compulsory to give the situation of the tenement on the Ordnance Survey plans, and the area as ascertained by the Ordnance Survey, as is now done in Ireland.

Section IX.

RETURN of SUMS expended for and received from the LAND JUDGES COURT, IRELAND, in the Year ending 31st December 1893.

1893.	Expended (including Regimental Pay).	Received.
	£ s. d.	£ s. d.
March Quarter - - -	1,101 19 6	1,408 9 1
June „ - - -	939 7 10	1,003 10 6
September „ - - -	783 10 10	558 9 10
December „ - - -	981 11 7	1,717 12 0
Total - - -	3,806 9 9	4,688 1 5

N.B.—The cost of the surveys is repaid out of the sales of the properties, &c., but considerable difficulty has been experienced in recovering the money expended on these surveys.

Section X.

Distribution of the Officers and Divisions.

HEAD-QUARTERS, SOUTHAMPTON.

Colonel John Farquharson, C.B., is the Executive Officer of the Survey. He has charge of the correspondence and accounts, and carries on, under the orders of the Director, the general administrative duties of the Department.

Captain C. E. Haynes is assistant to Colonel Farquharson, and has charge of the issue of the maps.

Major D. A. Johnston, assisted by Lieutenant H. M. St. A. Wade, is in charge of the examination of all MSS. plans, their reduction to smaller scales by photography, the tracing of plans for zincography, and of the photozincographing, zincographic printing, and letter-press printing departments.

Major D. A. Johnston has also charge of the trigonometrical branch of the work.

Major C. R. Conder is in charge of the preparation of the 1-inch map for engraving, the engraving of the maps of Great Britain, the copper-plate printing, and the colouring of maps.

Major S. C. N. Grant is in charge of the revision of the 1-inch map of Great Britain.

Captain C. Hill, assisted by Quarter-master Kenny, is in charge of the stores and workshops, and of the electrotyping of duplicates of copper-plates.

The various Divisions of the Survey will be occupied during the year 1894 in carrying on the Revisional Survey in the districts named below :—

	Station	Districts
Captain Ruck - - - -	York - -	East Fifeshire and Kinross-shire, Tyneside and Northumberland.
Captain Russell - - - -	Redhill - -	South-east London, and Kent.
Captain Norton - - - -	Derby - -	North-west London and Surrey.
Captain Oldfield - - - -	Carlisle - -	Wigtownshire, Glasgow, and Tyneside.
Captain Leahy - - - -	Edinburgh - -	Edinburgh, West Fifeshire, and Kinross-shire.
Captain Salvesen - - - -	Clifton - -	South-west London and Hampshire.
Captain Mould - - - -	Chester - -	Kirkendbrightshire and Ayrshire.
Captain Buckland - - - -	Bedford - -	North-east London, Middlesex, and Essex.
Captain King, assisted by Captain Broke - -	Clifton - -	Re-levelling in Great Britain, and completing the hill sketching in England.

IRELAND.

Dublin.—Lieut.-Col. Kirkwood, assisted by Captain Pery and Lieutenant Lee, has charge, at the office in the Phoenix Park, of revision surveys in Antrim, West Galway, Mayo, and various towns, the re-levelling and contouring in Ireland, with the engraving and publication of all the maps, and the surveys for the Land Judges Court and Land Commission.

Captain Mantell is stationed at Ennis, for the survey of Clare.

Captain Brooker is stationed at Cork, for the survey of Kerry.

Section XI.

Statement of the Force employed on the Ordnance Survey on 31st December 1893.

Royal Engineers	{ Officers - - - - -	24
	{ Warrant Officers - - - - -	2
	{ Non-Commissioned Officers and men - - - - -	354
Civil Assistants	- - - - -	1,720
Labourers -	- - - - -	420

Section XII.

Statement showing the Sums provided in the Estimates and Expended during the 10 Years ending 31st March 1893.

Year.	Pay and Extra Pay, &c. of Staff.		Extra Pay, &c. of Non-commissioned Officers, &c.		Pay, &c. of Civil Assistants, &c.		Travelling.		Fuel, &c.		Stores.		Contingencies.		Miscellaneous.		Total.	
	Estimate.	Expenditure.	Estimate.	Expenditure.	Estimate.	Expenditure.	Estimate.	Expenditure.	Estimate.	Expenditure.	Estimate.	Expenditure.	Estimate.	Expenditure.	Estimate.	Expenditure.	Estimate.	Expenditure.
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£
1883-4	9,563	9,714	17,500	16,769	190,637	178,114	4,700	4,964	1,550	1,779	12,850	12,016	5,700	5,890	—	167	242,500	229,413
1884-5	9,957	9,470	17,800	17,411	195,243	196,347	5,350	5,055	1,700	2,019	11,000	11,296	6,450	5,812	—	23	247,500	247,433
1885-6	9,936	8,731	17,800	17,541	208,514	200,593	5,000	5,061	1,850	1,872	11,000	11,134	6,400	5,505	—	—	260,500	250,437
1886-7	9,936	10,233	18,100	17,913	208,264	198,863	4,900	5,730	2,100	2,345	9,000	9,123	5,700	5,136	—	—	258,000	249,392
1887-8	9,631	9,988	18,100	15,423	166,369	165,417	4,100	5,659	2,100	2,043	9,200	8,309	5,000	4,457	15,500	18,529	230,000	229,825
1888-9	8,938	8,759	17,800	15,615	175,282	178,253	6,330	5,406	2,600	2,143	7,000	7,934	5,000	4,099	—	—	223,000	222,209
1889-90	8,858	8,022	17,800	15,275	167,842	173,481	6,000	4,459	3,000	2,176	7,000	7,039	4,500	3,788	—	—	215,000	214,240
1890-1	8,205	7,865	18,664	14,486	171,791	171,086	5,240	4,597	2,400	2,402	5,300	5,895	4,400	4,010	—	—	216,000	210,341
1891-2	7,821	7,806	17,000	14,889	174,779	176,489	4,500	4,939	2,400	2,290	5,070	5,064	4,200	4,277	—	—	215,770	215,754
1892-3	7,839	7,966	17,000	15,440	173,701	174,452	4,800	4,779	2,250	2,250	7,320	7,320	4,200	3,933	—	—	217,110	216,140

Ordnance Survey Office,
Southampton, 26th February 1894.

C. W. WILSON, Major-General,
Director-General.

I N D E X

TO THE

ORDNANCE SURVEY OF ENGLAND AND WALES

Published on the Scales of 25 inches and 6 inches to a Mile

Shewing the state on the 31st December 1823

Reference

Published on 6 inch scale engraved

Do 6" (photozinc)

Do 25" and 6" engraved

Do 25" and 6" photozinc

Notes. Yorkshire and Lancashire were published on the Six inch scale before the 25 inch was adopted, see Index A^o 2.

The small portions of other Counties not published on

a larger scale than Six inches to a mile are unshaded.

The coast line is that of High Water.





ORDNANCE SURVEY OF ENGLAND AND WALES

Published on the Scales of 25 and 6 inches to a Mile

RESURVEY OF LANCASHIRE & YORKSHIRE

Showing the state on the 31st December 1893

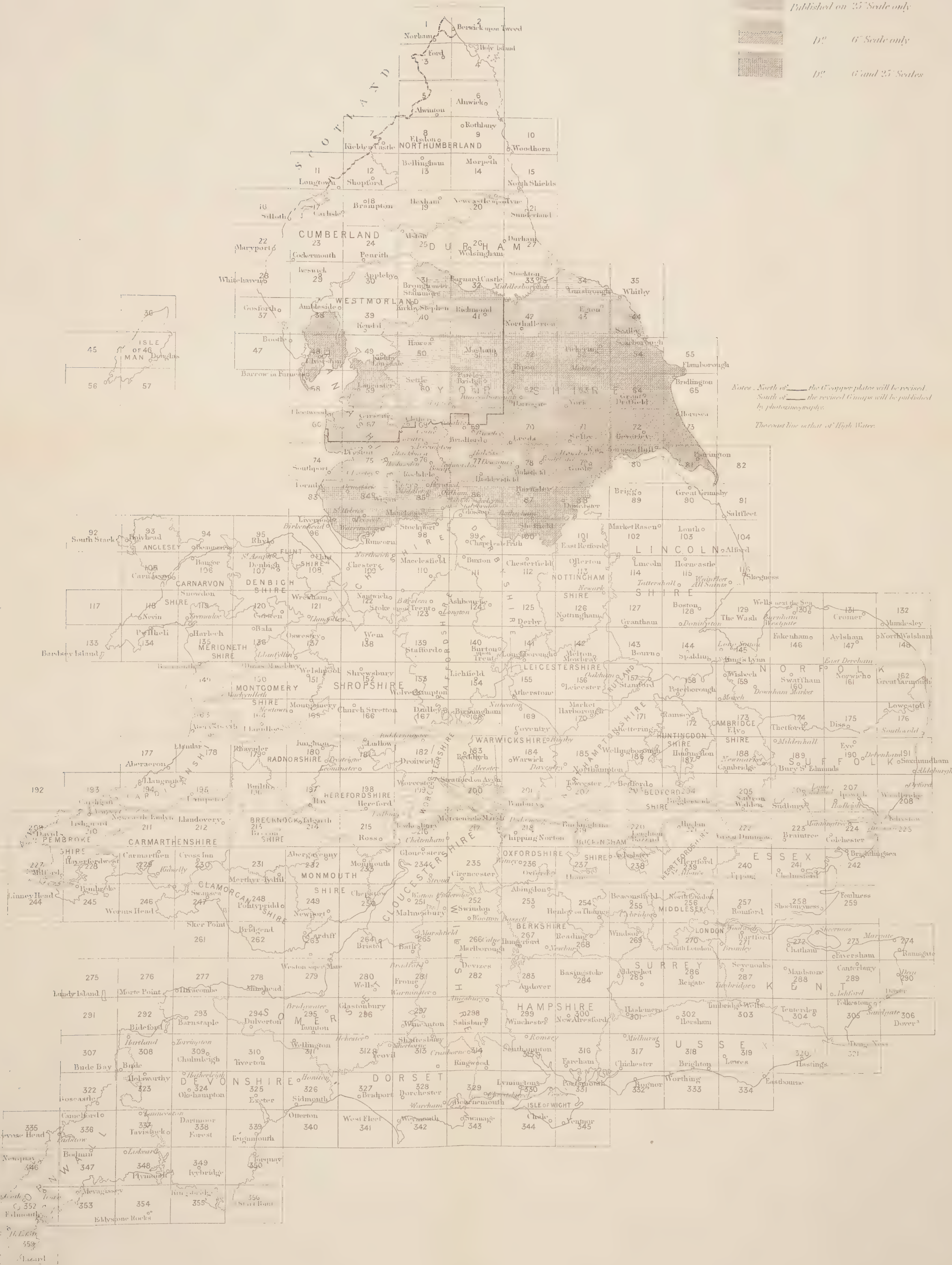
Reference

Re-surveyed & Revised, but not published

Published on 25" Scale only

10" 6" Scale only

10" 6" and 25" Scales



The short lines and numbers on this Index are those of the One Inch Map, new series.

Scale 30 Miles to One Inch

MAP OF ENGLAND AND WALES

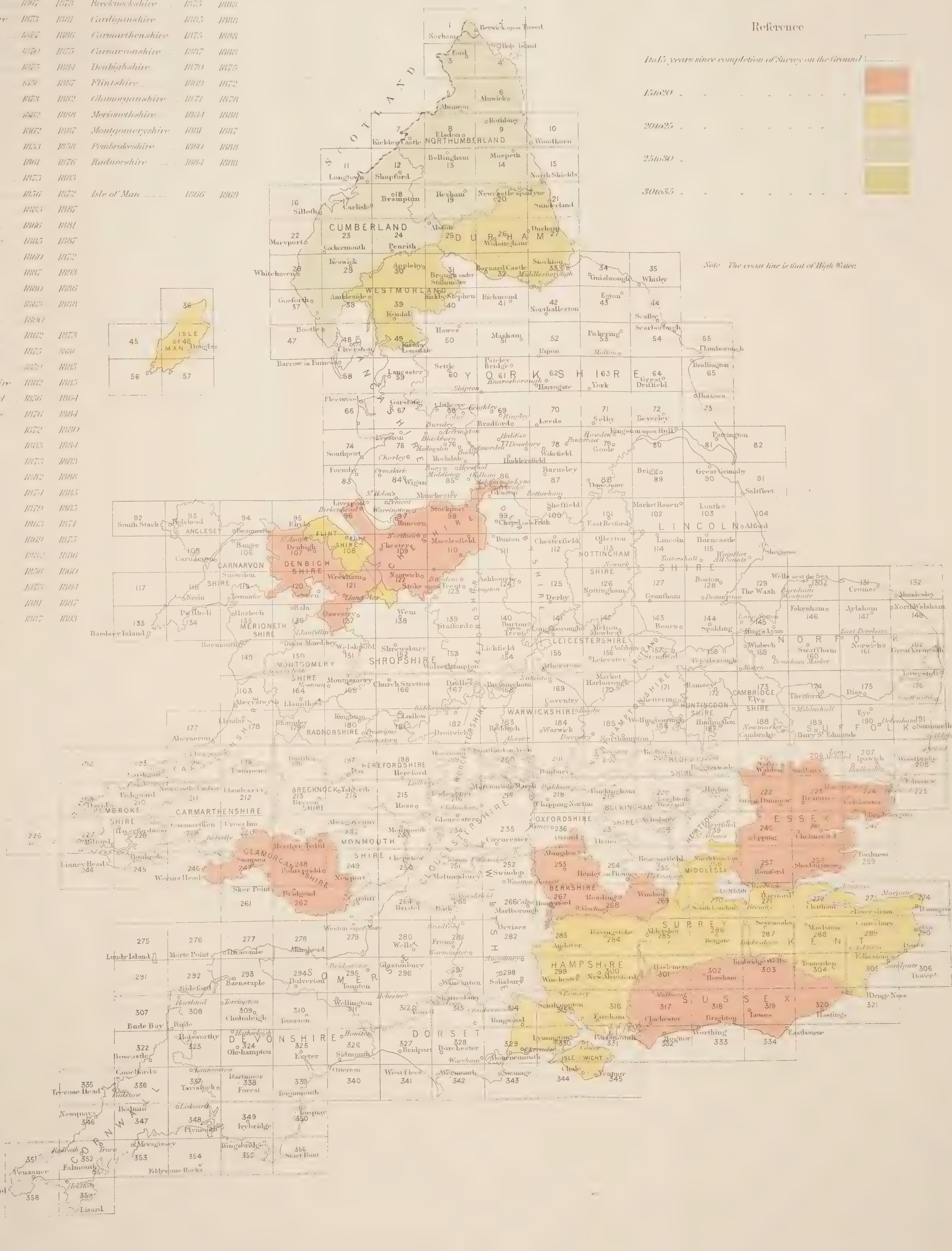
Shewing the state of the Survey

On the Scales of 25 and 6 Inches to a Mile

31st December 1893.

DATES OF COMMENCEMENT AND COMPLETION OF THE SURVEY OF THE COUNTIES OF ENGLAND AND WALES

Berkshire	1877	1883	Anglesey	1886	1887
Bristol	1867	1873	Brecknockshire	1875	1888
Buckinghamshire	1873	1881	Cardiganshire	1885	1888
Cambridgeshire	1877	1886	Carmerthenshire	1875	1888
Cheshire	1870	1875	Carmarthenshire	1887	1888
Cornwall	1877	1881	Denbighshire	1870	1875
Cumberland	1873	1887	Flintshire	1869	1872
Derbyshire	1873	1882	Glamorganshire	1871	1878
Devonshire	1862	1888	Merionethshire	1881	1888
Dorset	1862	1887	Montgomeryshire	1881	1887
Durham	1853	1858	Pembrokeshire	1880	1888
Essex	1861	1876	Radnorshire	1884	1888
Gloucestershire	1873	1883			
Hampshire	1876	1872	Isle of Man	1866	1869
Hertfordshire	1883	1887			
Huntingdonshire	1885	1881			
Kent	1860	1872			
Lancashire	1887	1893			
Leicestershire	1880	1886			
Lincolnshire	1873	1888			
London	1890				
Middlesex	1862	1873			
Monmouthshire	1875	1881			
Northamptonshire	1882	1885			
Northumberland	1856	1864			
Nottinghamshire	1876	1884			
Oxfordshire	1872	1880			
Rutland	1883	1884			
Shropshire	1877	1883			
Suffolk	1882	1888			
Staffordshire	1874	1885			
Surrey	1879	1885			
Sussex	1869	1875			
Warwickshire	1882	1886			
Westmorland	1856	1860			
Wiltshire	1873	1881			
Worcestershire	1881	1887			
Yorkshire	1867	1893			



Scale 30 Miles to One Inch

TO THE
ORDNANCE SURVEY OF ENGLAND AND WALES

Published on the Scale of One Inch to a Mile = 63360

NEW SERIES

Showing the state on the 31st December 1893

References

- Published in Outline with Contours
- Do. and
- Published with Hills

Note. The Map is published separately in each of the above forms.
N.B. Nos 36, 45, 46, 56, 57 (Isle of Man) are combined in one sheet.
Nos 275, 291 (Lundy Island) are combined in one sheet.
Nos 330, 331, 344, 345 (Isle of Wight) can be obtained combined in one sheet.
Sheets 261, 262 are combined in one sheet.
Combined map of Brighton, parts of Nos 318, 319, 333, 334.
Combined map of Derby, parts of Nos 124, 125, 140, 141.

Note. The coast line is that of High Water.
The old One Inch map of the whole of England and Wales south of the line of sheets 61 to 73 is still published.

Advance edition published by photostereography.

- In Outline
- With Hills



Scale 30 Miles to One Inch
10 20 30 40 50 60 70 80 90 100 Miles

Nº 5

INDEX
to the

ORDNANCE SURVEY OF SCOTLAND

On the Scales of 6 Inches and 25 Inches to a Mile

Shewing the state on the

31st December 1893

Reference



Published on 6 inch scale only

Published on 25 inch scale only

Published on 6 inch and 25 inch scales

Notes.—The uncultivated Highland Districts are not published on the 25 inch Scale.

The coast line is that of High Water.



The sheet lines and numbers on this Index are those of the One Inch Map.

Scale of this Index 30 Miles to an Inch

0 5 10 20 30 40 50 60 70 80 90 100 Miles

Nº 6

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to the

to the

ORDNANCE SURVEY OF SCOTLAND

On the Scales of 25 and 6 inches to a Mile

Shewing the state of the revision

on the

31st December 1893.

Reference

Re surveyed & Revised, but not published

Published on 25" Scale only

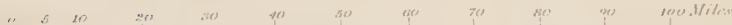
D? 6 "Scale only"

D? 6" and 25" Scales

Note—The coast line is that of High Water.



Scale of this Index 30 Miles to an Inch



MAP OF SCOTLAND

Showing the state of the Survey
On the Scales of 25 and 6 Inches to a Mile
31st December 1893

DATES OF COMMENCEMENT AND COMPLETION OF THE SURVEY OF THE COUNTIES OF SCOTLAND

Commenced		Completed		Commenced		Completed	
Aberdeenshire	1863	1871	1892	Kirkcudbrightshire	1862	1865	
Argyllshire	1861	1878		Kincardineshire	1862	1865	
Ayrshire	1853	1857		Kinross-shire	1863		
Banffshire	1864	1871		Lanarkshire	1857	1859	
Berwickshire	1854	1858		Linlithgowshire	1853	1855	
Buteshire	1858	1864		Nairnshire	1866	1869	
Caithness-shire	1869	1876		Orkney	1875	1880	
Clackmannanshire	1857	1864		Perthshire	1854	1857	
Dumbartonshire	1858	1865		Perthshire	1857	1864	
Dumfriesshire	1855	1858		Perthshire	1855	1858	
Edinburghshire	1891			Ross and Cromarty	1869	1875	
Elginshire	1865	1870		Roxburghshire	1856	1859	
Elphinstown	1892			Selkirkshire	1856	1859	
Forfarshire	1857	1862		Shetland	1875	1880	
Haddingtonshire	1892			Stirlingshire	1857	1861	
Inverness-shire	1865	1878		Sutherlandshire	1869	1875	
Island of Lewis	1848	1853		Wigtownshire	1892		



ORDNANCE SURVEY OF SCOTLAND

On the Scale of One Inch to a Mile

Shewing the state on the

31st December 1893

Reference



Published in Outline with Contours

D^o. and

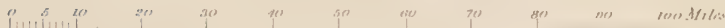
.....Published with Mills

Notes.—*The Map is published separately in each of the above forms.*

The coast line is that of High Water.



Scale of this Index 30 Miles to an Inch





REVISION OF THE SURVEY

Nº 9

I N D E X

to the

ORDNANCE MAP OF IRELAND

Published on a Scale of Six Inches to a Mile

Shewing the progress of the Revision to the

31st December 1893

Reference

Published

Revised

Revised Map published



Scale 27 Miles to One Inch

REVISION OF THE SURVEY

Nº 10
INDEX
to the
ORDNANCE MAP OF IRELAND

Published on a Scale of 25 inches to a Mile

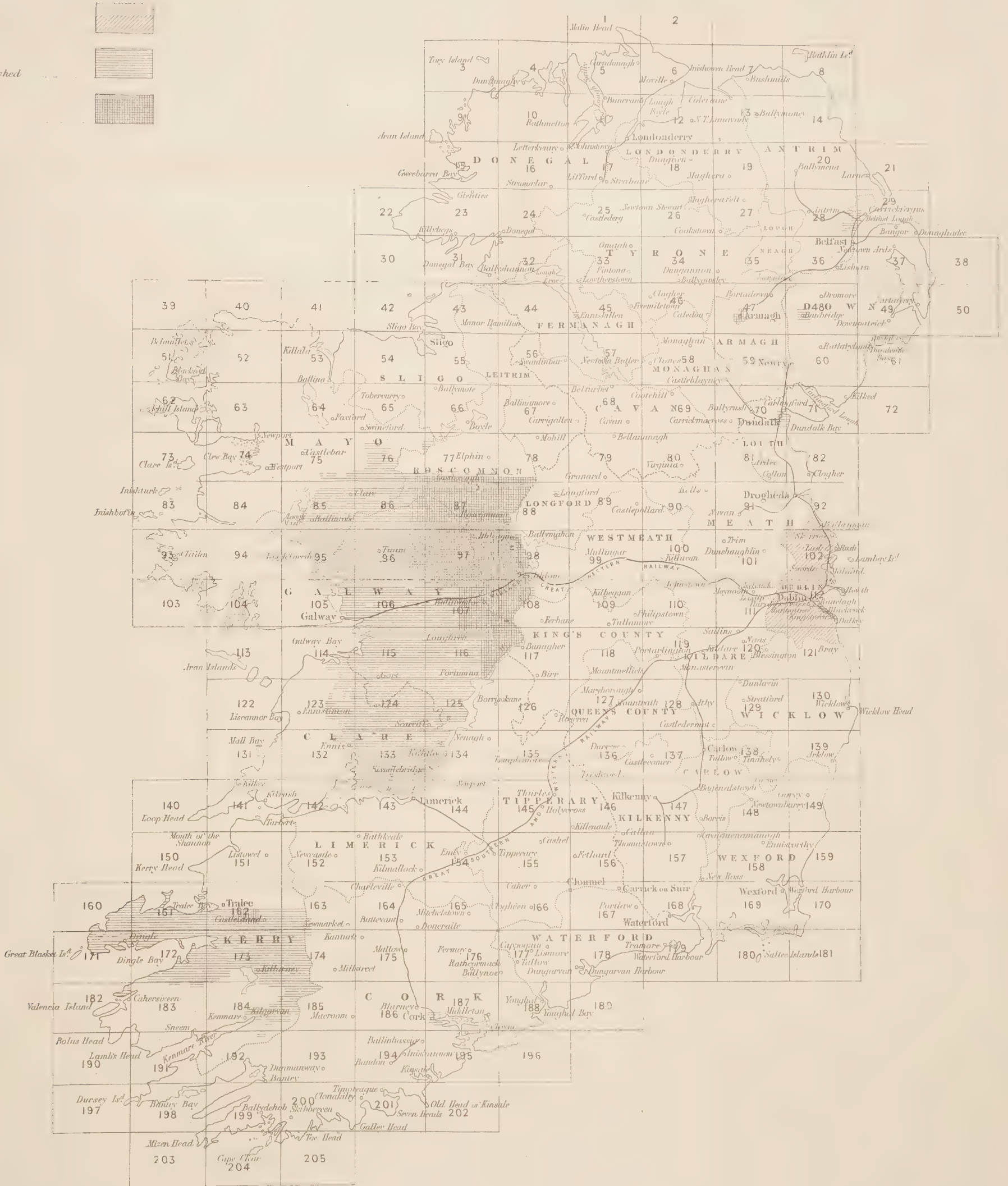
Showing the state on the
31st December 1893

Reference

Previously published on 25 inch scale

Re-surveyed or Re-plotted, but not published

Published



Nº 11
to the
ORDNANCE MAP OF IRELAND

Published on a Scale of One Inch to a Mile

Shewing the progress to

31st December 1893

Reference

Published in Outline

10" and
Published with Hills

Note. The Map is published separately
in each of the above forms.



Scale 27 Miles to One Inch
20 30 40 50 60 70 80 90 100



POST OFFICE AND TELEPHONE COMPANIES' AGREEMENTS.

RETURN to an Order of the Honourable the House of Commons,
dated 7 August 1894;—for,

COPY “of a Memorandum of the Postmaster General, dated 7th August 1894, setting forth Agreements (in draft) with the National Telephone Company (Limited) and the New Telephone Company (Limited) to give effect to the Heads of Arrangement signed in August 1892.”

General Post Office,
7 August 1894.

}

SPENCER WALPOLE,
Secretary.

(*Mr. Arnold Morley.*)

*Ordered, by The House of Commons, to be Printed,
7 August 1894.*

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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COPY of a Memorandum of the Postmaster General, dated 7th August 1894, setting forth Agreements (in draft) with the National Telephone Company (Limited) and the New Telephone Company (Limited) to give effect to the Heads of Arrangement signed in August 1892.

1. On the 27th May, 1892, there was presented to Parliament a copy of a Treasury Minute describing certain proposals which had been adopted by Her Majesty's late Government for the development of the telephone system of the United Kingdom. (*See Appendix A.*)

2. Amongst the proposals was one that the telephone companies should connect their exchanges with post offices, to enable their subscribers to telephone messages for transmission over the public telegraphs, or through the post as letters, or for delivery as express letters, and to obtain the services of messengers, or the use of the trunk telephone wires of the State. It was also proposed that the companies "should abandon their right to construct trunk wires, and that the Post Office should purchase from them such as they had already erected; and that in addition to this the Post Office should gradually provide additional trunk wires, so that there may ultimately be a complete system of communication between all the important towns in the kingdom."

3. To enable the Post Office to carry out the scheme a Bill was introduced, and, on the 3rd June 1892, it was read a second time and referred to a Select Committee. The Committee reported the Bill to the House on the 16th June. At the same time they submitted a Special Report, in which they expressed the opinion that the responsibility for the details of the agreement for the purchase of the trunk lines of the telephone companies must rest with the Government, but they thought that the agreement should be laid before Parliament.

4. The Bill, after amendment, passed both houses, and, on the 28th June 1892, it received the Royal assent. (*See 55 and 56 Vict. c. 59.*)

5. On the 11th August in the same year heads of arrangement were signed by Sir James Fergusson on behalf of Her Majesty's Government, by Mr. J. S. Forbes on behalf of the National Telephone Company, and by His Grace the late Duke of Marlborough on behalf of the New Telephone Company. (*See Appendices (B.) and (C.)*)

6. After protracted negotiations draft agreements to give effect to these heads of arrangement have now been settled in the terms set forth in Appendices (D.) and (E.)

7. The Stanhope Telephone Company will surrender their license, with an endorsement under the seal of the company. For the terms of this endorsement *see Appendix (F.)*

A. M.,

7th August 1894.

APPENDIX (A).

TREASURY MINUTE, dated 23rd May 1892, upon the Proposals for the Development of the Telephone System in the United Kingdom.

MY Lords have before them the proposals of the Postmaster General for carrying out the policy which has been adopted by Her Majesty's Government for development of the telephone system in the United Kingdom.

1. It is the object of these proposals, while preserving the property in the telegraphs, which has been paid for by the nation, to secure that expansion of the telephone system which is called for by public opinion and the necessities of commerce. It is impossible to continue the present system, under which the telegraph revenue is seriously suffering, while, on the other hand, the extension of telephones is checked in a manner which cannot be permanently maintained.

The proposals of the Postmaster General will enable the telephone companies and the Post Office to co-operate in services to the public.

2. The telephone companies are at present restricted to oral communications. The scheme prepared by the Postmaster General will in one direction, as hereafter explained, remove that restriction; and it proposes the establishment of trunk wires throughout the United Kingdom.

3. Unless trunk wires are in the hands of the State, a monopoly, injurious to the public interest, would inevitably ensue, to the advantage of the company which first laid down such trunk wires.

4. If, on the removal of the restriction to oral communications, the companies were allowed themselves to write down and deliver messages, and a network of trunk wires were spread over the country by private enterprise, the distinction, established by Mr. Fawcett, between the business of the companies and of the Post office would disappear, and rival systems of telegraphy would be working side by side where Parliament intended that there should be only one.

5. For this reason it is proposed that the Post Office shall write down and deliver the messages, and that the Post Office shall provide a national system of trunk lines. United action, on the part of the companies and the Post Office, is necessary to the success of the scheme.

6. It is proposed that the companies should abandon their right to construct trunk wires, and that the Post Office should purchase from them such as they have already erected; and that in addition to this the Post Office should gradually provide additional trunk wires, so that there may ultimately be a complete system of communication between all the important towns in the kingdom. It is further proposed that a connecting link between Great Britain and Ireland should be furnished by a submarine cable, and that the whole system should be open, not only to the subscribers of the companies, but also to any member of the public who may choose to come to a post office for the purpose of using it.

7. The companies will connect their exchanges with the offices of the Post Office, in order that their subscribers may telephone messages—

- (a) for transmission over the public telegraphs;
- (b) for transmission through the post as letters;
- (c) for delivery as express letters;
- (d) that they may call for the service of express messengers; and may
- (e) request to be placed in telephonic communication with other towns by means of the trunk wires of the State.

8. The

8. The Post Office will make no charge for the services of its officers who attend to the wires connecting the exchanges with the local post offices, and will pay the companies a commission of 5 per cent. on ordinary telegrams telephoned to those offices for transmission by the public telegraphs.

9. The Post Office will withdraw its veto on the establishment by the companies of public call offices in the houses and shops of sub-postmasters. It will further be a consideration whether, if the convenience of the Department will permit it, head, district, and branch post offices should be allowed to be used as call offices, &c., subject to such payment by way of rent, as may be agreed on.

10. As far as practicable, the Post Office will provide underground wires at an agreed rent to connect together the exchanges of a company within one and the same exchange area, so that municipal authorities may not have to complain of their streets being disturbed by the companies, which, in some places, might be in competition.

11. The Post Office, where it can permit telephone companies to use railways, canals, or other property over which it has acquired exclusive rights of way for telegraphs, will charge a nominal sum of 1s. per mile of wire instead of 20s. as at present.

12. Parliament, by a Bill now about to be introduced, will be asked to confer on the companies, subject to the consent of the local authority, powers for the erection of the wires required to connect their exchanges with the houses of their subscribers.

13. The messages telephoned to post offices for delivery will have to be limited in length, and it is proposed to adopt the two-fold limit of three minutes and 30 words. The charge will be the same as for an ordinary express letter, viz., 3d., if the address be within a mile of the post office where the message is written down.*

14. For conversations on the trunk wires of the State the following charges will, it is thought, be equitable, while, at the same time, sufficient to secure a margin of profit.*

For any distance not exceeding 20 miles	-	-	3d.
For any distance exceeding 20 miles and not exceeding 40 miles	-	-	6d.
For every additional 40 miles or fraction thereof	-	-	6d.

15. A charge of 6d. for 40 miles has been sanctioned by the Treasury for the trunk wires already provided by the Post Office, but the charge of 3d. for 20 miles is new. The Post Office consider it necessary that there should be this lower charge for the short wires.

Longer distances cannot be charged for at a less rate, as, although it is true that the terminal expenses are a fixed quantity, the expenses of construction and maintenance will, even in proportion, increase greatly with the length of the line. Where a submarine cable is used, or where exceptional expense is incurred, an additional charge will be made.

16. As in the case of the London-Paris telephone line, the period of each conversation will be three minutes, and two consecutive periods will be allowed for a double payment.

17. My Lords will examine with care such schemes as may be successively submitted by the Post Office for the gradual construction of new trunk lines.

In the course of a few months wires can be erected on existing poles from London to certain principal places, and progress can be made as convenience permits with further wires in many directions.

These works would be carried out in such a manner as to supplement and extend the system acquired from the Companies.

18. It

* These charges are independent of the charges which the companies make on their own account for sending a telephone message.

18. It must be clearly understood that the right of the Post Office to establish telephone exchanges, which was reserved by Mr. Fawcett, will be maintained; the Department holding itself ready, as in the past, to comply with the reasonable demand of any town or district for telephonic facilities.

19. As to fresh licenses, no further license for the whole country will be granted: and even for a license to establish an exchange in a particular town no application will be entertained unless a formal resolution in its favour has been passed by the corporation, or other municipal authority, and evidence given that there is sufficient capital subscribed to carry out the undertaking. In this way competition will not be excluded, but a check will be imposed on the formation of companies whose sole object it is to force the existing licensees to buy them up.

But although this is the policy which commends itself to Her Majesty's Government, it must be distinctly understood that, should licenses hereafter be granted on other principles, no company, now or hereafter to be licensed will have any ground to complain of breach of contract or want of good faith on the part of the Postmaster General.

It will be a condition of any license to a new company that their system must be constructed entirely of twin wires, or metallic circuits, so that there may be an assurance of its efficiency.

20. The royalties now payable by the companies to the State will remain unchanged. The other conditions imposed by their licenses will remain unchanged, except so far as they may be modified by the policy indicated in this minute.

21. In conclusion it may be stated that the intention is to meet, as far as possible, the views of municipal authorities, to aid the telephone companies in the improvement of their exchange system, to place additional facilities at the disposal of the public, and to establish trunk wires between the more important towns throughout the country.

My Lords concur.

Let a copy of this Minute be laid before Parliament.

APPENDIX (B.)

HEADS OF ARRANGEMENT between the Postmaster-General and the National Telephone Company, Limited.

1. (1.) The Company to surrender its existing license, and to procure the surrender of any licenses held by the Western Counties and South Wales Telephone Company, the Telephone Company of Ireland, and any Company holding a license, the plant or business of which has been acquired or agreed to be acquired by the Company. All the Companies referred to in this clause are hereinafter referred to collectively as "The Company."

(2.) The Company to sell, and the Postmaster-General to buy at cost price as shown by the Company's books (the purchase money to be settled by arbitration if the parties differ), all trunk-wires (connecting exchange areas) erected or in course of erection by the Company at the date of this agreement, together with a further sum of 10 per cent. of that amount in respect of cost of administration.

2. (1.) The Postmaster-General to grant, and the Company to accept a license to transact telephonic business (including the establishment of exchanges) within the following areas, viz. :—

(a.) The administrative county of London (including the City).

(b.) Any urban sanitary district in England, Wales, or Ireland and any burgh (as defined by the Public Health (Scotland) Act, 1867) in Scotland.

(NOTE. The districts described under (a) and (b) are hereinafter referred to as "towns.")

(c) Any

- (c.) Any areas, adjoining such towns, which the Postmaster-General may specify from time to time.

(2.) The license shall extend to the connexion of individual subscribers residing or carrying on business outside such areas with an exchange, but no exchange shall be established outside such areas. Such areas are hereinafter referred to as "exchange areas."

(3.) The license to be for the residue, still unexpired, of the term of years specified in the present license held by the National Company, and to contain all the provisions contained in such license (including the provisions for determining such license and purchasing the business of the Company) so far as such provisions are not inconsistent with these Heads of Arrangement.

* (4.) Except with the consent in writing of the Postmaster-General, the Company not to amalgamate or enter into any working or other agreement with any other licensee of the Postmaster-General.

3. The Company at their own cost to connect their exchanges with such Post Offices as the Postmaster-General may specify, in order that subscribers to the exchange system—

(a.) May telephone messages to such Post Offices:—

- i. For transmission over the postal telegraphs and delivery as telegrams,
- ii. For delivery as express letters,
- iii. For transmission and delivery as ordinary letters,

(b.) May call for the services of the Post Office express messengers,

(c.) May be put in communication with persons in other exchange areas (whether on the exchanges of the Company or on those of any other Licensee, or of the Postmaster-General, or not on any exchange) or in other places by means of the trunk wires of the Postmaster-General;

and, further, in order that any person at any Post Office at which a call office is opened by or with the approval of the Postmaster-General, may communicate with any other Post Office for the purposes above described, and also with any subscriber to the exchange.

4. The Company to be at liberty to make arrangements (subject to the approval of the Postmaster-General in each case) with Sub-Postmasters within any exchange area to which the Company's license extends for the establishment of call offices on their premises.

5. (1.) The transmission and delivery of telegrams and letters, the use of Post Office express messengers, and the use of trunk wires to be subject in all respects (both as to charges and otherwise) to such Regulations as the Postmaster-General may from time to time prescribe.

(2.) Communication over the trunk wires of the Postmaster-General with a subscriber to an exchange belonging to the Postmaster-General to be subject to such charges (in addition to the Postmaster General's charge for the use of the trunk wire) as the Postmaster-General may from time to time fix.

(3.) Communication by a subscriber to an exchange, whether belonging to the Postmaster-General or to a licensee, over the trunk wires of the Postmaster-General with a subscriber to an exchange belonging to another licensee to be subject to the following charges (in addition to the Postmaster-General's charge for the use of the trunk wire), that is to say:—

Where the Postmaster-General's charge for the use of the trunk wire does not exceed eighteenpence, to a charge of threepence;

Where the Postmaster-General's charge for the use of the trunk wire does not exceed three shillings, to a charge of fourpence;

Where the Postmaster-General's charge for the use of the trunk wire exceeds three shillings, to a charge of sixpence.

6. All wires of the Company led into any Post Office to be worked by the Postmaster-General, and all apparatus of the Company in any Post Office to be under

* May be struck out if the Chairmen of the National and New Companies simultaneously accept this Agreement subject to ratification by their Companies.—J.F.

under his sole care and management, and the Company to reimburse the Postmaster-General the expense of all repairs of such apparatus which he, in his discretion, may think necessary from time to time, and the Company to renew such apparatus from time to time as the Postmaster-General may require.

7. (1.) The Postmaster-General to make no charge for working the wires and apparatus of the Company in Post Offices connected with exchanges at the request of the Postmaster-General, and to allow the Company 5 per cent. on all messages telephoned over the Company's system to Post Offices for transmission over the Post Office Telegraphs as ordinary paid telegrams. Foreign telegrams to be reckoned as sixpenny Inland telegrams.

(2.) Where the Postmaster-General allows a Head, District, or Branch Post Office to be used as a call office of the Company, the Company to make such payment by way of rent as may be agreed upon.

(3.) Except where the sum is collected by the Post Office, the Company to be responsible to the Postmaster-General for all charges due to him for messages telephoned over the Company's system to a Post Office and transmitted and delivered as telegrams or letters, and for the use of Post Office Express Messengers and trunk wires, also for all sums due to any other Telephone Company for communication with subscribers on their exchanges. The Company to settle accounts with the Post Office weekly.

(4.) The Postmaster-General to collect and account to the Company for all charges paid at any Post Office for its use as a call office of the Company, save where the Company has made an arrangement relating to such charges with a Sub-Postmaster under the foregoing provisions. The Postmaster-General also to collect and account to the Company for all sums payable by any other Telephone Company for communication by its subscribers with the Company's subscribers. Five per cent. commission for collection to be allowed on both sides.

8. The Postmaster-General to aid the Company in establishing telephonic communication as follows, that is to say :—

(a.) To grant the Company such powers of carrying wires within any exchange area to which the Company's license extends as have been or may be authorised by Parliament, and subject to such conditions as may be imposed by Parliament,

(b.) So far as practicable, on the request of the Company, and on such terms as may be from time to time agreed upon, to connect by means of underground wires any exchanges of the Company in any exchange area to which the Company's license extends,

(c.) Wherever, within any exchange area of the Company, the Postmaster-General allows the erection of telephone wires on a railway or canal over which he has an exclusive wayleave for telegraphs, the Postmaster-General to make a nominal charge of 1s. per mile per wire, in lieu of the charges hitherto made. But the Postmaster-General reserves an absolute discretion to allow or refuse such erection of wires in every case.

9. A license and such other documents as may be deemed necessary by the Postmaster-General to give effect to this arrangement, with all consequential and proper provisions, to be prepared by the Solicitor to the Post Office.

J. F.

11th August 1892.

J. S. Forbes.

APPENDIX C.

HEADS of ARRANGEMENT between the Postmaster General and the
New Telephone Company, Limited.

1.—(1.) The Company to surrender its existing license and to procure the surrender of any licenses held by the Mutual Telephone Company, the Stanhope Telephone Company, and any other Company holding a license, the plant or business of which has been acquired by the Company.

(2). The Company to sell, and the Postmaster General to buy at cost price, as shown by the Company's books (the purchase money to be settled by arbitration if the parties differ), all trunk wires (connecting exchange areas) erected or in course of erection by the Company at the date of this agreement, together with a further sum of 10 per cent. of that amount in respect of cost of administration.

2.—(1.) The Postmaster General to grant, and the Company to accept, a license to transact telephonic business (including the establishment of exchanges) within the following areas, viz. :—

(a) The administrative county of London (including the City).

(b) Any urban sanitary district in England, Wales, or Ireland, and any burgh (as defined by the Public Health (Scotland) Act, 1867, in Scotland.

(Note.—The districts described under (a) and (b) are hereinafter referred to as "towns.")

(c) Any areas, adjoining such towns, which the Postmaster General may specify from time to time.

(2) The license shall extend to the connection of individual subscribers residing or carrying on business outside such areas with an exchange, but no exchange shall be established outside such areas. Such areas are hereinafter referred to as "exchange areas."

(3.) The license to be for the residue, still unexpired, of the term of years specified in the present license held by the Company, and to contain all the provisions contained in such license (including the provisions for determining such license and purchasing the business of the Company) so far as such provisions are not inconsistent with these Heads of Arrangement.

*(4.) Except with the consent in writing of the Postmaster General the Company not to amalgamate or enter into any working or other agreement with any other licensee of the Postmaster General.

3. The Company at their own cost to connect their exchanges with such Post Offices as the Postmaster General may specify, in order that subscribers to the exchange system—

(a) May telephone messages to such Post Offices :—

- i. For transmission over the postal telegraphs and delivery as telegrams,
- ii. For delivery as express letters,
- iii. For transmission and delivery as ordinary letters.

(b) May call for the services of the Post Office express messengers.

(c) May be put in communication with persons in other exchange areas (whether on the exchanges of the Company or on those of any other licensee, or of the Postmaster General, or not on any exchange), or in other places by means of the trunk wires of the Postmaster General.

And, further, in order that any person at any Post Office at which a Call Office is opened by or with the approval of the Postmaster General, may communicate with any other Post Office for the purposes above described, and also with any subscriber to the exchange.

4. The

* May be struck out if the Chairman of the National and New Companies simultaneously accept this agreement, subject to ratification by their Companies.—J. F.

4. The Company to be at liberty to make arrangements (subject to the approval of the Postmaster General in each case) with Sub-Postmasters within any exchange area to which the Company's license extends for the establishment of call offices on their premises.

5. (1.) The transmission and delivery of telegrams and letters, the use of Post Office express messengers, and the use of trunk wires to be subject in all respects (both as to charges and otherwise) to such regulations as the Postmaster General may from time to time prescribe.

(2.) Communication over the trunk wires of the Postmaster General with a subscriber to an exchange belonging to the Postmaster General to be subject to such charges, in addition to the Postmaster General's charge for the use of the trunk wire, as the Postmaster General may from time to time fix.

(3.) Communication by a subscriber to an exchange, whether belonging to the Postmaster General or to a licensee, over the trunk wires of the Postmaster General with a subscriber to an exchange belonging to another licensee to be subject to the following charges (in addition to the Postmaster General's charge for the use of the trunk wire), that is to say :—

Where the Postmaster General's charge for the use of the trunk wire does not exceed eightpence, to a charge of threepence.

Where the Postmaster General's charge for the use of the trunk wire does not exceed three shillings, to a charge of fourpence.

Where the Postmaster General's charge for the use of the trunk wire exceeds three shillings, to a charge of sixpence.

6. All wires of the Company led into any Post Office to be worked by the Postmaster General, and all apparatus of the Company in any Post Office to be under his sole care and management, and the Company to reimburse the Postmaster General the expense of all repairs of such apparatus which he, in his discretion, may think necessary from time to time, and the Company to renew such apparatus from time to time as the Postmaster-General may require.

7.—(1.) The Postmaster General to make no charge for working the wires and apparatus of the Company in Post Offices connected with exchanges at the request of the Postmaster General, and to allow the Company 5 per cent. on all messages telephoned over the Company's system to such Post Offices for transmission over the Post Office Telegraphs as ordinary paid telegrams; foreign telegrams to be reckoned as sixpenny inland telegrams.

(2.) Where the Postmaster General allows a Head, District, or Branch Post Office to be used as a Call Office of the Company, the Company to make such payment by way of rent as may be agreed upon.

(3.) Except where the sum is collected by the Post Office, the Company to be responsible to the Postmaster General for all charges due to him for messages telephoned over the Company's system to a Post Office and transmitted and delivered as telegrams or letters, and for the use of Post Office express messengers and trunk wires, also for all sums due to any other Telephone Company for communication by its subscribers on their exchanges. The Company to settle accounts with the Post Office weekly.

(4.) The Postmaster General to collect and account to the Company for all charges paid at any Post Office for its use as a Call Office of the Company, save where the Company has made an arrangement relating to such charges with a Sub-Postmaster under the foregoing provisions. The Postmaster General also to collect and account to the Company for all sums payable by any other Telephone Company for communication by its subscribers with the Company's subscribers. Five per cent. commission for collection to be allowed on both sides.

8. The Postmaster General to aid the Company in establishing telephonic communication as follows, that is to say :—

(a) To grant the Company such powers of carrying wires within any exchange area to which the Company's license extends as have been or may be authorised by Parliament, and subject to such conditions as may be imposed by Parliament.

(b) So

(b.) So far as practicable, on the request of the Company, and on such terms as may be from time to time agreed upon, to connect by means of underground wires any exchanges of the Company in any exchange area to which the Company's license extends.

(c.) Wherever, within any exchange area of the Company, the Postmaster General allows the erection of telephone wires on a railway or canal over which he has an exclusive wayleave for telegraphs, the Postmaster General to make a nominal charge of 1s. per mile per wire, in lieu of the charges hitherto made. But the Postmaster General reserves an absolute discretion to allow or refuse such erection of wires in every case.

9. A license and such other documents as may be deemed necessary by the Postmaster General to give effect to this arrangement, with all consequential and proper provisions, to be prepared by the Solicitor to the Post Office.

11th August 1892.

J. F.
MARLBOROUGH.

APPENDIX D.

DRAFT of Proposed Agreement between the Postmaster General and the National Telephone Company, Limited.

This Indenture made the day of 189 between the RIGHT HONOURABLE ARNOLD MORLEY M.P. Her Majesty's Postmaster General (who and whose successors in office for the time being are intended to be hereinafter included in the term "the Postmaster General") on behalf of Her Majesty of the one part and the NATIONAL TELEPHONE COMPANY LIMITED the registered office of which is at Nos. 1 to 5 Oxford Court Cannon Street in the City of London (hereinafter called "the Company") of the other part.

Whereas by an Indenture dated the 29th day of November 1884 and made between the Right Honourable George John Shaw Lefevre then Her Majesty's Postmaster General on behalf of Her Majesty of the one part and the Company of the other part (which Indenture is hereinafter referred to as "the Indenture of 1884") the Postmaster General covenanted and agreed with the Company that the Company should during the term of 31 years from the 1st day of January 1881 (determinable as in the same Indenture provided) have license and permission to do the following things (that is to say) :—

(1.) To work and use telegraphs of which the transmitting and receiving instruments should be telephones but no other kind or description of telegraphs for the purpose of enabling any person with whom the Company agreed in that behalf to transmit direct from and receive at any office to and from any other person at any other office by means of spoken words (but not otherwise) and with the aid of such telegraphs as aforesaid telegraphic messages relating to the business or private affairs of such persons respectively or one of them and

(2.) To receive from all such persons as the Company should agree with as aforesaid for or in respect of the purchase or hire or maintenance or working or use of the said telegraphs or any part or parts thereof for the purpose aforesaid or for or in respect of the right or permission to transmit or receive or otherwise in respect of the transmission or receipt of such telegraphic messages as aforesaid by means of the said telegraph such sums of money or other valuable considerations as should be agreed upon between the Company and the said persons respectively And the said licence was granted subject to such provisions and to such covenants on the part of the Company as in the same Indenture are specified.

And whereas the several acts which the Company were authorised to do and the business which they were authorised to carry on under and by virtue of the Indenture of 1884 are hereinafter for convenience collectively referred to by the expression "telephonic business" and the expression "to transact telephonic business" means to do such acts and to carry on such business as aforesaid.

And whereas by the several Indentures specified in the First Schedule hereto Her Majesty's Postmasters General in office at the respective dates of the said Indentures granted to the several Companies and persons specified in the said schedule

license to transact telephonic business on the terms and subject to the provisions and covenants therein specified.

And whereas the undertakings of the several Companies and persons mentioned in the First Schedule hereto have been acquired by the Company and upon such acquisition the several Indentures specified in the First Schedule hereto came into the hands of the Company subject nevertheless to the covenants therein respectively contained.

And whereas it has been agreed by and between the Postmaster General and the Company that the Company shall to the extent hereinafter specified cease to transact telephonic business under the licence and permission granted by the Indenture of 1884 and shall to the extent aforesaid surrender and release the powers authorities benefits and advantages conferred by the said Indenture and shall also procure the delivery up and surrender of the several Indentures specified in the First Schedule hereto.

And whereas in part performance of the said Agreement the Company have prior to the execution of these presents surrendered and delivered up to the Postmaster General the several Indentures specified in the First Schedule hereto.

And whereas it has been further agreed between the Postmaster General and the Company that the Company shall sell and the Postmaster General shall buy certain of the Company's telegraphs hereinafter more particularly specified.

And whereas during the preliminary negotiations for this Agreement it was agreed that the purchase money to be paid for such telegraphs should be the cost price thereof as shown by the Company's books together with the further sum (in respect of cost of administration) of ten per cent. of the amount of such cost price such cost price to be settled by arbitration if the parties differed.

And whereas the Company's books do not show in detail the cost price of such telegraphs and it has therefore been further agreed between the Postmaster General and the Company that the purchase money to be paid for such telegraphs shall be a sum equal to the estimated cost thereof to the Company (including in such cost all reasonable incidental expenditure) together with such further sum as aforesaid of ten per cent. of the amount of such cost and that such estimated cost shall be ascertained by two experts in telegraphic engineering one to be appointed by the Postmaster General and the other to be appointed by the Company and that all differences between such experts shall be settled by arbitration in a summary manner upon the respective statements of such experts *viva voce* or in writing or upon such other materials as the arbitrator may require but without the aid of counsel.

And whereas the purchase money to be paid for such telegraphs has been ascertained in manner aforesaid to be the sum of £

And whereas by the Telegraph Act 1892 (55 and 56 Viet. c. 59) it is provided (section 5) as follows :—

“(1.) Where the Postmaster General has either before or after the passing of this Act licensed any Company or person to transmit any telegrams within the meaning of the Telegraph Acts 1863 to 1889 he may by the same or any other licence authorise such Company or person (in this Act referred to as “the licensee”) during the time and within the area specified in the licence to exercise the powers which are conferred on the Postmaster General by the Telegraph Acts 1863 and 1878 and by the provisions of this Act relating to Provisional Orders or such of those powers as are specified in the licence and thereupon the enactments conferring those powers or relating to the exercise thereof including any penal provisions shall apply accordingly :

“(2.) Provided as follows :—

“(a.) A licensee shall not exercise any powers under the said enactments except in an urban sanitary district or such area adjoining an urban sanitary district as is described in the licence ;

“(b.) Notwithstanding anything in the Telegraph Act 1878 a licensee shall not exercise any powers under the said enactments without the consent in London of the county council, and in any urban sanitary district outside London of the urban sanitary authority and elsewhere of the county council and shall be subject to any terms and conditions which the county council or urban sanitary authority may attach to any such consent and shall

shall comply with any regulations of such council or authority from time to time in force in relation to telegraphic lines."

And whereas with a view to enable the Company to transact telephonic business within the areas hereinafter specified efficiently and to the greater benefit of the public than heretofore the Postmaster General has consented to authorise the Company (so far as he lawfully can or may) to exercise within the said areas the powers in the Telegraph Act 1892 referred to as aforesaid subject to the proviso hereinafter contained and it has been further agreed by and between the Postmaster General and the Company that the Postmaster General and the Company shall respectively enter into the covenants and agreements hereinafter contained.

Now this indenture witnesseth that in consideration of the premises and of the matters hereinafter appearing it is hereby agreed and declared between and by the parties hereto and the Company (as to the covenants and agreements hereinafter contained on their part) do hereby covenant and agree with the Postmaster General and the Postmaster General (as to the covenants and agreements hereinafter contained on his part) in exercise of all powers and authorities enabling him in this behalf doth hereby covenant and agree with and authorise the Company in manner following (that is to say):—

1. In these presents words and expressions shall have the several meanings hereinafter assigned to them unless there be something either in the subject or context repugnant to such construction that is to say:—

Interpretation
clause.

The word "telephone" means and includes any telegraphic transmitting or receiving instrument used or intended to be used at any office for the purpose of transmitting or receiving spoken messages or communications by means of electricity.

The expression "telephonic message" means a spoken message or communication transmitted by telephone.

The word "office" means and includes any building or part of a building or any place which is telegraphically connected or intended to be connected either permanently or temporarily by a telegraph wire or telegraph wires with some other building part of a building or place (whether such buildings parts of buildings or places respectively be occupied or used by any person solely or jointly with any other person) and in which telephones are or are intended to be used for the purpose of enabling any person to transmit from and receive at such building part of a building or other place telephonic messages of the kind authorised by the Indenture of 1884.

The word "exchange" means and includes any building telegraphically connected or intended to be so connected with two or more offices by telegraph wires and used or intended to be used for the purpose of enabling telephonic messages to be transmitted direct between such offices by means of or with the aid of such wires and by appliances placed in the exchange.

The expression "exchange subscriber" means any person with whom the Company the Postmaster General or any other person working an exchange has entered into an agreement for the purpose of enabling such subscriber to communicate with other persons through the medium of an exchange.

The expression "exchange area" means one of the areas specified in the Second Schedule hereto and any other area which may from time to time be specified by the Postmaster General in writing to be an exchange area.

The expression "trunk wire" means a telegraph wire used for a telephonic communication and connecting an exchange or a Post Office in one exchange area with an exchange or a Post Office in another exchange area and the expression "trunk wires of the Postmaster General" or "the Postmaster General's trunk wires" means and includes all trunk wires for the time being belonging to or worked by the Postmaster General.

The expression "trunk line" means and includes a trunk wire and all posts cables tubes or other works supporting or containing such wire.

The expression "call office" means an office open to the public for the purpose of the transmission therefrom of telephonic messages under such regulations as may from time to time in the case of a call office on premises owned or occupied by the Postmaster General be prescribed by the Postmaster General and in the case of any other call office be prescribed by the Company.

The expression "establish telephonic communication" between two offices means to connect such offices with each other by one or more telegraph wires and the

telephones connected therewith in such manner that telephonic messages may be transmitted from one of such offices to the other and such expression includes the maintenance of such communication where it already exists.

The expression "on an exchange" when used in relation to an office means that such office is telegraphically connected with such exchange for the purpose of enabling telephonic messages to be transmitted direct between such office and other offices similarly connected with such exchange.

The word "person" includes the Company party hereto and also any Corporation and any Joint Stock Company and any other Association or aggregate of individual persons,

Transfer of trunk
lines, trunk wires,
and works.

2.—(1.) On the first day of July 1895 or on such earlier day as may be fixed by agreement between the Postmaster General and the Company (which day is hereinafter referred to as "the appointed day") the Company shall deliver and hand over to the Postmaster General :—

- (i.) So much of any trunk line erected or in course of erection by the Company on the 11th of August 1892 as is situate outside any exchange area ;
- (ii.) With regard to those parts of trunk lines erected or in course of erection as aforesaid which are situate inside exchange areas :—
 - (a.) All trunk wires forming part of such trunk lines ;
 - (b.) All posts cables tubes or other works supporting or containing trunk wires alone ;
 - (c.) Where the posts cables tubes or other works supporting or containing trunk wires also support or contain other wires of the Company all such posts cables tubes or other works as support or contain a larger number of trunk wires than of other wires of the Company unless the retention of any such work by the Company is established to the satisfaction of an Arbitrator to be essential to the conduct of the Company's business after the appointed day.

(2) The several trunk lines trunk wires and works hereinbefore specified (all which for greater certainty are set out in the Third Schedule hereto) together with all estates interests rights powers and authorities possessed or enjoyed by the Company in relation to the maintenance or erection of the same shall on and as from the appointed day become and be deemed to be the property of and vest in the Postmaster General absolutely for all the estate and interest previously enjoyed therein by the Company freed from any charge or incumbrance thereon created by the Company but subject to all wayleaves and other rentals contracts and burdens of every kind subject to which the Company hold the same or which the Company have to pay observe perform or bear in connection therewith.

Provided always :—

- (a.) That all rentals and other outgoings shall be apportioned up to the appointed day.
- (b.) That where after the appointed day the consideration for any such rental or burden as aforesaid enures to the benefit of the Company the Company shall repay to the Postmaster General any sums paid by him in respect of such rental or burden or shall in case such burden relates to the user of a trunk wire pay to the Postmaster General all such sums as he would have received in respect of such user had such burden not existed.
- (c.) That where after the appointed day the consideration for any such rental or burden as aforesaid enures to the benefit partly of the Company and partly of the Postmaster General the Company shall pay to the Postmaster General such proportion of such sums as in the last preceding paragraph mentioned as may be agreed upon between the Postmaster General and the Company or settled by arbitration.

(3.) Subject to the foregoing provisions the Postmaster General shall indemnify and save harmless the Company from all such wayleaves rentals and burdens as in this Article mentioned and the Company will do all such acts as may be necessary to effect a complete delivery and transfer to the Postmaster General of all such trunk lines trunk wires and works as are in this Article mentioned together with all such estates interests rights powers and authorities as aforesaid.

(4.) Upon

(4.) Upon delivery of such trunk lines trunk wires and works in manner aforesaid the Postmaster General shall pay to the Company the said purchase money of £

3.—(1.) From and after the appointed day the Company shall so long as it is required by the Postmaster General so to do maintain to the reasonable satisfaction of the Postmaster General all trunk wires of the Postmaster General which are supported by or contained in any post cable tube or other work which is the property of the Company and the Postmaster General shall so long as he is required by the Company so to do maintain to the reasonable satisfaction of the Company all wires of the Company supported by or contained in any post cable tube or other work which is the property of the Postmaster General. Maintenance.

(2.) The Postmaster General shall pay to the Company and the Company shall pay to the Postmaster General in respect of all wires maintained as aforesaid yearly sums accruing from day to day at the following rates that is to say—

(a.) thirty shillings per annum for every mile of wire carried over the roofs of houses ; and

(b.) one pound per annum for every mile of wire otherwise carried.

Any fraction of a mile over and above a complete number of miles shall be treated as a mile, and the rates herein specified shall be subject to revision on six months' notice from either party at any time after the expiration of five years from the appointed day and in like manner at any time after the expiration of any period of five years from the day on which any revised rates shall come into operation.

(3.) If either party should after reasonable notice from the other party make default in maintaining the wires of the other party as provided by this Article the party owning or working any wire in respect of which default has been made shall be at liberty to do all such acts for the maintenance of such wire and the works supporting or containing the same as he would be entitled to do if the works supporting or containing the wire belonged to him and in any such case if the Postmaster General incurs expense in maintaining works belonging to the Company or the Company incurs expense in maintaining works belonging to the Postmaster General the expense of maintaining such works shall be borne by the Postmaster General and the Company respectively proportionately to the number of wires supported by or contained in such works and belonging to the Postmaster General and the Company respectively.

(4.) If either party is compelled through the action of the owner lessee or occupier of any property upon which the work is erected to remove any work bearing wires of the other party the party to whom the work belongs shall give notice of such proposed removal to the other party and unless such last-mentioned party within one calendar month gives a counter notice to the effect that the re-erection of the wires of such party is not required the costs of removing the work and re-erecting the wires thereon shall be borne by the two parties proportionately to the number of wires supported by or contained in the work and belonging to the parties respectively.

(5.) In this Article the expression "maintain" shall be deemed to include all necessary renewals.

(6.) Any difference between the parties as to the construction of this Article or any question arising thereout shall be settled by arbitration.

4.—(1.) Subject to the provisions of this Article the Company shall on and as from the appointed day cease to transact telephonic business elsewhere than within exchange areas it being the intent and meaning of these presents that from and after the appointed day the Indenture of 1884 shall be read and construed as though the license and permission powers and authorities thereby granted had been limited by the said Indenture to the said exchange areas and had effect and operation only within the said exchange areas.

Limitation of
Company's license.

(2.) The Company may establish telephonic communication between an exchange subscriber's office situate outside an exchange area and an exchange of the Company within such area but the Company shall not establish any exchange or (save as thus provided) transact any other kind of telephonic business outside the said exchange areas.

(3.) Where two or more exchange areas adjoin or overlap the Company shall not establish telephonic communication between any office in one of such areas and any office in any other of such areas except so far as such communication may be authorised by the provisions of the Second Schedule hereto and such provisions shall be deemed for all purposes to be provisions of this Indenture.

connection of
post offices and
exchanges.

5. —(1.) Unless unable (after exercising all powers in that behalf vested in them) to execute and maintain the necessary works in that behalf the Company shall on or after the appointed day at any time and from time to time at the request of the Postmaster General and at the cost and expense of the Company establish telephonic communication between any exchange of the Company and any post office (situate within a radius of one mile from such exchange) which the Postmaster General may from time to time specify in that behalf (which post office is hereinafter referred to as a "prescribed post office") and shall maintain such communication until otherwise requested by the Postmaster General.

(2.) The number of telegraph wires and of telephones necessary to establish telephonic communication under the preceding sub-clause of this Article shall be such as the Postmaster General may from time to time prescribe. Provided that where trunk wires of the Postmaster General are led into a prescribed post office the Company shall be deemed to have discharged its obligation under the said sub-clause by carrying telegraph wires to such post office and shall not be bound to do any work within such post office or supply any telephones for use therein and the number of wires to be carried to such post office shall not exceed the total number arrived at by adding twice the number of the Postmaster General's trunk wires led into the same post office to the number of wires deemed by the Postmaster General necessary to enable him satisfactorily to render such local services as hereinafter provided for in sub-clauses 2, 3, and 4 of the next succeeding Article.

(3.) The Postmaster General may at any prescribed post office establish a call office on any exchange of the company. Provided that the use of such call office for communications to subscribers to the Company's exchange shall be subject to such charges as are for the time being made at other call offices of the Company within the same exchange area.

(4.) The Company may on or after the appointed day at any time and from time to time without such request of the Postmaster General as aforesaid establish call offices at other post offices on the following conditions (that is to say) :—

(a.) Where the building in which the post office is established is vested in the Postmaster General or is the subject of a lease or agreement for tenancy in the name of the Postmaster General (which building in such case is hereinafter referred to as a "Crown office") such call office shall not be established except by and under an agreement with the Postmaster General.

(b.) Where the building in which the post office is established is not a Crown office such call office shall not be established except with the consent in writing of the Postmaster General, and subject to such conditions as to the exchange on which the call office is to be established and otherwise as the Postmaster General may prescribe.

telephonic com-
munication through
post offices.

6. —(1.) Where and so long as telephonic communication is established between an exchange and a prescribed post office the Postmaster General and the Company shall respectively do all such acts and things as may be necessary to enable telephonic messages to be transmitted.

(a.) Between any two offices on such exchange, and

(b.) By means of trunk wires of the Postmaster General between any office on such exchange and any office in any other exchange area whether such office be on an exchange of the Company or on an exchange of the Postmaster General or on an exchange of some other licensee of the Postmaster General.

(2.) Where and so long as telephonic communication is established between an exchange and a prescribed post office the Postmaster General will receive at such post office from any office on such exchange any telephonic messages for any of the following purposes (that is to say) :—

(a.) For transmission over the postal telegraphs and delivery as a telegram, or

(b.) For

(b.) For delivery as an express letter, or

(c.) For conveyance and delivery as an ordinary letter

and the company and the Postmaster General will respectively do all such acts and things as may be necessary to enable such telephonic messages to be received at such post office and to be so transmitted conveyed and delivered as aforesaid.

(3.) Where and so long as telephonic communication is established between an exchange and a prescribed post office the Postmaster General will receive at such post office any message from an exchange subscriber calling for the service of a post office express messenger and the Company and the Postmaster General will respectively do all such acts and things as may be necessary to enable such messages to be received and to comply with such requests respectively.

(4.) Where and so long as telephonic communication is established between an exchange and a prescribed post office the Company shall if and when required by the Postmaster General and on such conditions as may from time to time be prescribed by him do all such acts and things as may be necessary to enable telegrams received at the prescribed post office over the postal telegraphs and addressed to an exchange subscriber to be telephonically transmitted (in lieu of delivery by messenger) through the medium of the exchange to the office of such subscriber provided such subscriber desires such transmission but the Postmaster General shall not be bound to transmit any such telegrams in manner aforesaid.

7. The transmission of all telephonic messages over trunk wires of the Postmaster General or over any other postal telegraphs the receipt of telephonic messages at prescribed post offices in accordance with the provisions of this indenture for the purposes therein specified the transmission and delivery of telephonic messages whether as telegrams or as letters and the supply of post office express messengers in compliance with telephonic messages in that behalf shall be subject in all respects both as to charges and otherwise to the regulations made by the Postmaster General with the consent of the Treasury and in force for the time being in respect to the several matters aforesaid and to such other rules and conditions not inconsistent with such regulations as the Postmaster General may from time to time prescribe.

Post offices regulations.

8.—(1.) Where a telephonic message is transmitted over the trunk wires of the Postmaster General between an office on an exchange of the Company and an office on an exchange of the Postmaster General such message shall be subject to the following charges in addition to the Postmaster General's charge for the use of the trunk wire (that is to say) :—

Exchange charges.

(a.) Where the message originates on the Company's exchange to such charges (if any) as the Postmaster General may from time to time fix.

(b.) Where the message originates on the Postmaster General's exchange to such charges (if any) as the Company may from time to time fix.

(2.) Where a telephonic message is transmitted over the trunk wires of the Postmaster General between an office on an exchange of the Company and an office on an exchange of some licensee of the Postmaster General other than the Company such message shall be subject to the following charges in addition to the Postmaster General's charge for the use of the trunk wire (that is to say) :—

(a.) Where the message originates on the Company's exchange to such charges (if any) as such other licensee may from time to time fix, and

(b.) Where the message originates on the exchange of such other licensee to such charges (if any) as the Company may from time to time fix.

Provided that except where the charges in this Article mentioned are fixed by the Postmaster General they shall in no case exceed the following charges (that is to say) :—

Where the Postmaster General's charge for the use of a trunk wire does not exceed eighteenpence a charge of threepence.

Where the Postmaster General's charge for the use of a trunk wire exceeds eighteenpence but does not exceed three shillings a charge of fourpence.

Where the Postmaster General's charge for the use of a trunk wire exceeds three shillings a charge of sixpence.

9.—(1.) Where in establishing communication between an exchange of the Company and a prescribed post office the Company has erected any wires upon or supplied

Repair and renewal of telephones.

supplied any wires or apparatus for use within such post office all such wires and apparatus shall be under the sole care and management of the Postmaster General but the Company shall reimburse the Postmaster General the expense of all such repairs of such wires and apparatus as he in his discretion may think necessary from time to time and the Company shall at the request of the Postmaster General from time to time renew such apparatus.

(2.) The Postmaster General shall make no charge to the Company for working the wires and apparatus of the Company placed in prescribed post offices for the purpose of establishing telephonic communication with exchanges of the Company but where a prescribed post office or any Crown office is used as a call office on an exchange of the Company the Company shall make such payment by way of rent as may be agreed upon between the Postmaster General and the Company.

Collection of charges.

10.-(1.) Except where such sums as hereinafter mentioned are in the first instance paid at a prescribed post office or any other Crown office the Company shall pay to the Postmaster General all sums due to him in respect of telephonic messages transmitted through an exchange belonging to the Company to a prescribed post office and thence transmitted conveyed or delivered as telegrams or letters and in respect of the use of the Postmaster General's trunk wires and of communications with any subscriber on an exchange of the Postmaster General and of the services of post office express messengers rendered in pursuance of any such messages and shall also pay to the Postmaster General all sums due to any licensee of the Postmaster General other than the Company in respect of telephonic messages transmitted from an office on an exchange belonging to the Company over the trunk wires of the Postmaster General.

(2.) The Postmaster General shall collect and account to the Company for all charges payable at any call office established at a prescribed post office or at any Crown office so far as such charges relate to communications with subscribers to the exchange of the Company and the Postmaster General shall also collect and account to the Company for all sums payable by any subscriber on an exchange of the Postmaster General or by any licensee of the Postmaster General other than the Company in respect of telephonic messages transmitted from an office on an exchange of the Postmaster General or of such licensee to an office on an exchange of the Company but the Postmaster General shall not be responsible for any such charges or sums as aforesaid which he is unable to collect.

(3.) The Postmaster General shall allow to the Company and the Company shall allow to the Postmaster General (as the case may be) a commission of 5 per cent. upon all sums collected by the Postmaster General on behalf of the Company or paid by the Company to the Postmaster General as provided by this Article.

(4.) Any such sum of 5 per cent. may be deducted either by the Postmaster General or by the Company from any sums payable to the Company or to the Postmaster General as the case may be.

(5.) In reckoning the commission payable to the Company every telephonic message transmitted as a foreign telegram shall be reckoned as though it were an inland telegram not exceeding 12 words in length and the sum upon which commission is allowed to the Company in the case of a telephonic message transmitted to any place abroad shall be the sum to which the Postmaster General is entitled in respect of such message in account with any foreign government.

(6.) All accounts between the Postmaster General and the Company relating to the provisions of this Article shall be rendered and settled monthly and the first accounts shall be rendered at the expiration of the first calendar month after the appointed day and shall include the whole period which has elapsed from that day until the end of such month.

Authority to exercise wayleave powers.

11. The Postmaster General will from time to time at the request of the Company authorise the Company to exercise within any exchange area specified by the Company all such powers of executing works (other than works under in upon over along or across any railway or canal) as are conferred upon the Postmaster General by the Telegraph Acts 1863 and 1878 and by section 2 (but not by any other section) of the Telegraph Act 1892.

Provided

Provided nevertheless as follows :—

- (1.) Any authority given by the Postmaster General under this clause shall have effect only so long as this Indenture is in force and within such area only as is specified in the instrument giving or evidencing the grant of such authority.
- (2.) In exercising such powers and executing such works the Company shall be subject to the several restrictions and provisions in the said Acts or either of them contained and particularly and without prejudice to the generality of this provision the Company shall be subject to the provisions of the following sections of the said Acts that is to say sections 42 & 48 to 52 inclusive of the Telegraph Act 1863 and sections 5 and 7 of the Telegraph Act 1892.
- (3.) The Company shall not be entitled under the authority hereby conferred to exercise any power or enjoy any right benefit or advantage conferred upon the Postmaster General by the Telegraph Act 1863 the Telegraph Act 1878 or the Telegraph Act 1892 otherwise than in relation to the execution of works.
- (4.) Section 4 of the Telegraph Act 1892 shall not apply to the Company.
- (5.) Nothing in this Indenture shall be construed to give the Company any wayleave or right of way under in upon over along or across any railway or canal or any right to execute any work under in upon over along or across any railway or canal or to call upon the proprietors or lessees of any railway or canal or the directors or persons having the control thereof to execute any such work.

12. So long as this Indenture is in force the Postmaster General will in any case so far as it is practicable so to do (but not otherwise) at the request of the Company and upon such terms as may from time to time be agreed upon between the Postmaster General and the Company connect by means of underground wires any two or more exchanges of the Company situate in one and the same exchange area.

Underground connection of exchanges by Postmaster General.

13.—(1.) As regards the several Indentures specified in the Fourth Schedule hereto the Company shall in respect of the telegraphic lines erected fixed placed appropriated and maintained by or for the use of the Company under the provisions of such Indentures pay to the Postmaster General as from the appointed day (up to which date all accounts between the Postmaster General and the Company under the said Indentures have been or are intended to be adjusted and settled) in lieu of the rents royalties or payments in the said Indentures respectively specified the sum of 1s. per annum for every mile of telegraph wire erected fixed placed appropriated or maintained by or for the use of the Company as in the said Indentures respectively provided and the like sum for any fraction of a mile of such wire over and above a complete number of miles. But except as herein provided the said Indentures shall remain in full force and effect.

Reduction of wayleave charge on railways.

(2.) If and when within any exchange area of the Company the Postmaster General shall hereafter give licence and permission to the Company or to any railway or canal company to erect fix place appropriate and maintain any telegraphic lines of the Company on a railway or canal over which the Postmaster General has an exclusive wayleave for telegraphs the rent or royalty payable by the Company in respect of such erection fixing placing appropriation or maintenance shall be the sum of 1s. per annum for every mile of telegraph wire so erected fixed placed appropriated or maintained and the like sum for every fraction of a mile of such wire over and above a complete number of miles. Provided always that nothing in this Indenture contained shall be deemed to throw upon the Postmaster General any obligation to allow the erection fixing placing appropriation or maintenance of telegraphic lines of the Company on any such railway or canal as aforesaid it being the intent and meaning of these presents that the Postmaster General shall have and enjoy an absolute discretion to allow or refuse to allow such erection fixing placing appropriation or maintenance as aforesaid.

14.—(1.) The Heads of Arrangement dated the 11th of August 1892 and signed or initialled by the Right Honourable Sir James Fergusson Her Majesty's then Post-

Existing agreements.

master General and James Staats Forbes chairman of the Company shall be deemed to be superseded by this Indenture and shall as from the date hereof cease to be of any force or effect.

(2.) All agreements subsisting between the Postmaster General and the Company in relation to the transmission of telephonic messages between any post office and offices on any exchange of the Company shall cease and determine as from the appointed day up to which date all accounts between the Postmaster General and the Company have been or are intended to be adjusted and settled.

(3.) All other agreements subsisting between the Postmaster General and the Company shall cease and determine so far as the same are inconsistent with the provisions of this Indenture but otherwise shall remain in full force and effect.

Further assurance.

15. The Company and the Postmaster General shall from time to time do and execute or cause to be done and executed all such acts deeds and things whatsoever as may be required by the Postmaster General or the Company (as the case may be) to give effect to the covenants and agreements in this Indenture contained.

Contract not to be assigned.

16. The Company shall not assign underlet or otherwise dispose of the benefit of the covenants herein contained or of any of such covenants or the powers or authorities hereby granted or any of such powers or authorities without the consent in writing of the Postmaster General.

Term.

17.—(1.) In case any sum of money which ought to be paid by the Company to the Postmaster General under or by virtue of these presents shall be in arrear and unpaid for one calendar month after the time at which the same ought to be paid under or by virtue of the covenants herein contained or in case of any breach non-observance or non-performance by or on the part of the Company of any of the covenants (other than a covenant for the payment of money) or conditions herein contained and on the part of the Company to be observed and performed then and in any such case the Postmaster General may by writing under his seal revoke and determine these presents and the powers and authorities hereby granted and each and every of them and thereupon this Indenture and the said powers and authorities and each and every of them shall absolutely cease determine and become void.

(2.) Subject and without prejudice to the proviso for determination hereinbefore contained this Indenture shall (save so far as relates to the sale of trunk wires referred to in Article 2) remain in force so long as the Indenture of 1884 is in force and no longer and upon the determination by any means of the powers and authorities granted by the Indenture of 1884 the powers and authorities hereby granted shall absolutely cease and determine and the provisions of this Indenture shall cease to have effect.

(3.) The purchase by the Postmaster General of the business of the Company to which the Indenture of 1884 relates (whether under the provision in that behalf contained in the Indenture of 1884 or otherwise) shall be deemed to be a determination within the meaning of this Indenture of the powers and authorities granted by the Indenture of 1884 and upon any such purchase the powers and authorities hereby granted and the benefit of the covenants herein contained with reference to the execution of works by the Company or by the Postmaster General for the purposes of the Company (all which matters are the subject of Articles 11 to 13 of this Indenture) shall not be deemed to be property of the Company for the purpose of such purchase but all such powers authorities and benefit shall nevertheless absolutely cease and determine upon the completion of such purchase. Provided nevertheless that for the purpose of such purchase the Company shall be deemed to have all such powers and rights with reference to the execution of works as were vested in or could or might be lawfully exercised by the Company prior to the execution of this Indenture.

(4.) No revocation or determination of this Indenture or of the powers and authorities hereby granted shall prejudice or affect any right of action or remedy which shall have accrued at the date of such revocation or determination or shall thereafter accrue to either of the parties hereto under the covenants herein contained.

18. Nothing in these presents contained shall prejudice or affect the right of the Postmaster General from time to time to establish extend maintain and work any system or systems of telegraphic communication (whether of a like nature to the aforesaid business of the Company or otherwise) in such manner as he shall in his discretion think fit neither shall anything herein contained prejudice or affect the right of the Postmaster General from time to time to enter into agreements for or to grant licenses relative to the working and user of telegraphs (whether of a like nature to those worked and used by the Company or otherwise) or the transmission of telegrams in any part of the United Kingdom with or to any company person or persons whomsoever upon such terms and whether with or without authority to exercise the powers in Section 5 of the Telegraph Act 1892 referred to as he shall in his discretion think fit And (save as in this Indenture provided) nothing herein contained shall be deemed to authorise the Company to exercise any of the powers or authorities conferred on or acquired by the Postmaster General by or under the Telegraph Acts or any of them.

Agreement not to affect Postmaster General's rights.

19. Any notice request consent or approval (whether expressed to be in writing or not) to be given or expressed by the Postmaster General under these presents may be under the hand of any one of the Secretaries or Assistant Secretaries for the time being of the Post Office and may be served or given by sending the same by registered post letter to the Company addressed to them at their registered office and any notice to be given by the Company under these presents may be under their common seal or under the hand of their Secretary and may be served by sending the same by registered post letter addressed to the Secretary of the Post Office at the General Post Office London.

Notices.

In witness whereof the above named Postmaster General hath hereunto set his hand and seal and the Company have caused their common seal to be hereunto affixed the day and year first above written.

SCHEDULES.

THE FIRST SCHEDULE BEFORE REFERRED TO.

LICENSES TO TRANSACT TELEPHONE BUSINESS.

Indenture or Agreement dated the 14th and 21st days of October 1881 and made between Her Majesty's then Postmaster General of the one part and the Dundee and District Telephonic Company Limited of the other part.

Indenture dated the 29th day of November 1884 and made between Her Majesty's then Postmaster General of the one part and the United Telephone Company Limited of the other part.

Indenture dated the 29th day of November 1884 and made between Her Majesty's then Postmaster General of the one part and the Lancashire and Cheshire Telephonic Exchange Company Limited of the other part.

Indenture dated the 29th day of November 1884 and made between Her Majesty's then Postmaster General of the one part and the Telephone Company of Ireland Limited of the other part.

Indenture dated the 29th day of November 1884 and made between Her Majesty's then Postmaster General of the one part and the Northern District Telephone Company Limited of the other part.

Indenture dated the 20th day of February 1885 and made between Her Majesty's then Postmaster General of the one part and the South of England Telephone Company Limited of the other part.

Indenture dated the 20th day of February 1885 and made between Her Majesty's then Postmaster General of the one part and the Western Counties and South Wales Telephone Company Limited of the other part.

Indenture dated the 1st day of August 1887 and made between Her Majesty's then Postmaster General of the one part and Ernest Edward Wastall and Percy Edward Sankey (carrying on business as the "Thanet Telephone Company") of the other part.

Indenture dated the 8th day of April 1889 and made between Her Majesty's then Postmaster General of the one part and George Gillmore of the other part.

Indenture dated the 31st day of December 1890 and made between Her Majesty's then Postmaster General of the one part and the Sheffield Telephone Exchange and Electric Light Company Limited of the other part.

THE SECOND SCHEDULE BEFORE REFERRED TO.

EXCHANGE AREAS.

General Notes.

Where two areas named in this schedule overlap one another, offices in the space common to both areas may be placed on an exchange in either area, but not on exchanges in both areas.

If in any case there is any discrepancy between the description of an area and the area as shown on the accompanying map the boundary is to be as shown on the map.

PART I.

The Administrative county of London (including the City) with the adjoining area, as defined by a red line on the accompanying map marked "London."

The London area includes the following among other places, viz.: the county boroughs of Croydon and West Ham, the municipal boroughs of Reigate, Richmond (Surrey), and Kingston-on-Thames, and the urban districts of Brentford, Chiswick, Acton, Willesden, Ealing, Tottenham, Hanwell, Harrow, Waltham Holy Cross, Walthamstow, Woodford, Ilford, Enfield, Romford, Barking Town, Grays, Bexley, Bromley, Beckenham, Surbiton, East Molesey, Epsom and Sutton.

PART II.

ENGLAND AND WALES.

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
1. Tilbury - -	The municipal borough of Southend-on-Sea with the adjoining area, including Tilbury on side and Shoeburyness on the other, as defined by a red line on the accompanying map No. 1.	
2. Gravesend - -	The municipal borough of Gravesend and the urban districts of Dartford and Northfleet with the adjoining area, as defined by a red line on the accompanying map No. 2.	
3. Chatham - -	The municipal borough of Chatham and the City of Rochester with the adjoining area, as defined by a red line on the accompanying map No. 3.	
4. Maidstone - -	The municipal borough of Maidstone with the adjoining area, as defined by a red line on the accompanying map No. 4.	
5. Tunbridge Wells -	The municipal borough of Tunbridge Wells, and the urban district of Tonbridge with the adjoining area, as defined by a red line on the accompanying map No. 5.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
6. Canterbury -	The city of Canterbury, the municipal borough of Faversham and the urban districts of Herne Bay and Ashford with the adjoining area, as defined by a red line on the accompanying map No. 6.	
7. Ramsgate -	The municipal boroughs of Ramsgate and Margate with the adjoining area, as defined by a red line on the accompanying map No. 7.	
8. Deal -	The municipal boroughs of Deal and Sandwich and the urban district of Walmer with the adjoining area, as defined by a red line on the accompanying map No. 8.	
9. Folkestone -	The municipal boroughs of Dover, Folkestone, and Hythe and the urban district of Sandgate with the adjoining area, as defined by a red line on the accompanying map No. 9.	
10. Hastings -	The county borough of Hastings with the adjoining area, as defined by a red line on the accompanying map No. 10.	
11. Eastbourne -	The municipal borough of Eastbourne with the adjoining area, as defined by a red line on the accompanying map No. 11.	
12. Lewes -	The municipal borough of Lewes and the urban districts of Newhaven and Seaford with the adjoining area, as defined by a red line on the accompanying map No. 12.	
13. Brighton -	The county borough of Brighton and the urban district of New Shoreham with the adjoining area, as defined by a red line on the accompanying map No. 13.	
14. Worthing -	The municipal borough of Worthing with the adjoining area, as defined by a red line on the accompanying map No. 14.	
15. Winchester	The city of Winchester with the adjoining area, as defined by a red line on the accompanying map No. 15.	
16. Portsmouth	The county borough of Portsmouth and the urban districts of Gosport-and-Alverstoke and Fareham with the adjoining area, as defined by a red line on the accompanying map No. 16.	
17. Isle of Wight	The whole of the Isle of Wight. Map No. 17.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
18. Southampton	- The county borough of Southampton with the adjoining area, including Bishopstoke, as defined by a red line on the accompanying map No. 18.	
19. Salisbury	- The city of Salisbury, and the municipal boroughs of Wilton and Romsey with the adjoining area, including Amesbury and Fordingbridge, as defined by a red line on the accompanying map No. 19.	
20. Bournemouth	- The municipal boroughs of Bournemouth, Christchurch, and Poole with the adjoining area, as defined by a red line on the accompanying map No. 20.	
21. Weymouth	- The municipal boroughs of Weymouth and Melcombe Regis, and Dorchester, as defined by a red line on the accompanying map No. 21.	
22. Exeter	- The city of Exeter and the urban districts of Crediton and Exmouth with the adjoining area, as defined by a red line on the accompanying map No. 22.	
23. Torquay	- The municipal borough of Torquay and the urban districts of Lower Brixham, Teignmouth, Paignton, and Dawlish with the adjoining area, including Newton Abbot, as defined by a red line on the accompanying map No. 23.	
24. Totnes	- The municipal boroughs of Totnes and Dartmouth with the adjoining area, including Ashburton, as defined by a red line on the accompanying map No. 24.	
25. Plymouth	- The county boroughs of Plymouth and Devonport, the municipal borough of Saltash, and the urban districts of Stonehouse and Ivybridge, with the adjoining area, as defined by a red line on the accompanying map No. 25.	
26. Falmouth	- The city of Truro and the municipal boroughs of Falmouth and Penryn with the adjoining area, as defined by a red line on the accompanying map No. 26.	
27. Redruth	- The municipal borough of Helston and the urban districts of Redruth and Camborne with the adjoining area, as defined by a red line on the accompanying map No. 27.	
28. Penzance	- The municipal boroughs of Penzance and St. Ives and the urban district of Hayle with the adjoining area, as defined by a red line on the accompanying map No. 28.	

Name and Number of Area.	Description of Area.	Special Provisions applicable to Area.
29. Weston-super-Mare.	The urban district of Weston-super-Mare with the adjoining area, as defined by a red line on the accompanying map No. 29.	
30. Bristol - -	The city of Bristol and the urban district of Clevedon with the adjoining area, as defined by a red line on the accompanying map No. 30.	
31. Bath - - -	The city of Bath with the adjoining area, as defined by a red line on the accompanying map No. 31.	
32. Swindon - -	The urban districts of Old Swindon and Swindon New Town with the adjoining area, including Wootton Bassett, as defined by a red line on the accompanying map No. 32.	
33. Reading - -	The county borough of Reading and the municipal borough of Henley-on-Thames with the adjoining area, as defined by a red line on the accompanying map No. 33.	
34. Guildford - -	The municipal boroughs of Guildford and Godalming and the urban districts of Aldershot and Farnham with the adjoining area, as defined by a red line on the accompanying map No. 34.	
35. Leatherhead -	The urban district of Dorking with the adjoining area, including Leatherhead, as defined by a red line on the accompanying map No. 35.	
36. Watford - -	The urban district of Watford with the adjoining area, including Bushey, Rickmansworth and Elstree, as defined by a red line on the accompanying map No. 36.	
37. Windsor - -	The municipal boroughs of New Windsor and Maidenhead, and the urban districts of Staines, Slough, and Eton with the adjoining area, including Great Marlow and Little Marlow on one side and Feltham on the other, as defined by a red line on the accompanying map No. 37.	
38. Oxford - - -	The city of Oxford with the adjoining area, as defined by a red line on the accompanying map No. 38.	
39. Cheltenham	The municipal borough of Cheltenham and the urban district of Leckhampton with the adjoining area, as defined by a red line on the accompanying map No. 39.	

Name and Number of Area.	Description of Area.	Special Provisions applicable to Area.
40. Tewkesbury	- The municipal borough of Tewkesbury with the adjoining area, as defined by a red line on the accompanying map No. 40.	
41. Gloucester -	- The city of Gloucester and the urban district of Stroud with the adjoining area, including Minchinhampton and Horsley, as defined by a red line on the accompanying map No. 41.	
42. Sharpness -	- The towns or places of Sharpness, Berkeley, Dursley, and Wotton-under-Edge, with the adjoining area, as defined by a red line on the accompanying map No. 42.	
43. Lydney -	- The urban district of Coleford with the adjoining area, including Lydney, as defined by a red line on the accompanying map No. 43.	
44. Chepstow -	- The urban district of Chepstow with the adjoining area, as defined by a red line on the accompanying map No. 44.	
45. Abergavenny	- The urban district of Abergavenny with the adjoining area, as defined by a red line on the accompanying map No. 45.	
46. Newport -	- The county borough of Newport (Mon.), and the urban district of Risca with the adjoining area, as defined by a red line on the accompanying map No. 46.	
47. Pontypool -	- The urban districts of Pontypool, Rhymney, Ebbw Vale, Bedwelty, Blaenavon, Tredegar, Brynmawr, and Upper Llanfrechfa, with the adjoining area, as defined by a red line on the accompanying map No. 47.	
48. Merthyr Tydvil -	- The urban districts of Merthyr Tydvil, Aberdare, and Mountain Ash with the adjoining area, as defined by a red line on the accompanying map No. 48.	
49. Pontypridd -	- The urban districts of Pontypridd and Ystradyfodwg with the adjoining area, including Caerphilly and Llantrissant, as defined by a red line on the accompanying map No. 49.	
50. Cowbridge -	- The municipal borough of Cowbridge with the adjoining area, as defined by a red line on the accompanying map No. 50.	
51. Cardiff -	- The county borough of Cardiff and the urban districts of Penarth, and Barry-and-Cadoxton, with the adjoining area, as defined by a red line on the accompanying map No. 51.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
52. Bridgend - -	The urban districts of Bridgend and Maesteg with the adjoining area, as defined by a red line on the accompanying map No. 52.	
53. Briton Ferry - -	The municipal boroughs of Neath and Aberavon, and the urban district of Briton Ferry with the adjoining area, as defined by a red line on the accompanying map No. 53.	
54. Swansea - -	The county borough of Swansea with the adjoining area, as defined by a red line on the accompanying map No. 54.	
55. Llanelly - -	The urban district of Llanelly with the adjoining area, as defined by a red line on the accompanying map No. 55.	
56. Llandudno - -	The urban district of Llandudno and the municipal borough of Conway with the adjoining area, as defined by a red line on the accompanying map No. 56.	
57. Rhyl - - -	The municipal borough of Denbigh and the urban districts of Rhyl and Abergele-and-Pensarn, with the adjoining area, including the city of St. Asaph and Rhuddlan as defined by a red line on the accompanying map No. 57.	
58. Chester - -	The city of Chester with the adjoining area, as defined by a red line on the accompanying map No. 58.	
59. Wrexham - -	The municipal borough of Wrexham, and the urban district of Llangollen with the adjoining area, including Ruabon as defined by a red line on the accompanying map No. 59.	
60. Shrewsbury - -	The municipal borough of Shrewsbury with the adjoining area, as defined by a red line on the accompanying map No. 60.	
61. Worcester - -	The city of Worcester, the municipal borough of Droitwich, and the urban district of Malvern with the adjoining area, as defined by a red line on the accompanying map No. 61.	
62. Kidderminster - -	The municipal boroughs of Kidderminster and Bewdley, and the urban district of Stourport with the adjoining area, including Churchill, as defined by a red line on the accompanying map No. 62.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
63. Birmingham	- The city of Birmingham, the county borough of West Bromwich, the municipal borough of Sutton Coldfield, and the urban districts of Bromsgrove (town and country), and Oldbury, with the adjoining area, including Knowle, as defined by a red line on the accompanying map No. 63.	Existing subscribers who have, at the date of this agreement, entered into contracts with the company for the use of the telephone system within the whole of the existing area, <i>i.e.</i> , the whole of the four proposed areas, are to be allowed to communicate by means of the company's exchange and trunk wires with any office on an exchange in any one of the areas 63 to 66.
64. Walsall	- - The county borough of Walsall, the municipal borough of Wednesbury, and the urban districts of Wednesfield, Willenhall, and Darlaston, with the adjoining area, including Pelsall, Walsall Wood, and Great Barr, as defined by a red line on the accompanying map No. 64.	With this view the existing trunk wires connecting the four areas are to be left in the company's possession, on the understanding that when they are no longer required for the purposes of this exceptional arrangement they will only be used as ordinary exchange wires or as private wires.
65. Dudley	- - The county borough of Dudley, and the urban districts of Brierley Hill and Tipton, with the adjoining area, including Halesowen and Lower Hagley as defined by a red line on the accompanying map No. 65.	All subscribers to an exchange in any of the four areas other than existing subscribers, shall be entitled to communicate by means of the company's wires with offices on an exchange in one of the four areas only, and shall be required to use the trunk wires of the Post Office for communicating with the other areas, and to pay the Post Office at the prescribed rates; but until the Department's trunk wires are ready for use the company may afford to such persons facilities for speaking between all four areas, and may retain the charges for such service.
66. Wolverhampton	- The county borough of Wolverhampton, and the urban districts of Bilston, Tettenhall, and Sedgley, with the adjoining area including Bushbury, as defined by a red line on the accompanying map No. 66.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
67. Tamworth -	The municipal borough of Tamworth with the adjoining area, as defined by a red line on the accompanying map No. 67.	The Coventry area overlaps the Warwick area, so that Kenilworth is common to both areas as indicated in the respective maps of the two areas.
68. Coventry -	The county borough of Coventry, and the urban districts of Nuneaton, Chilvers Coton, and Kenilworth, with the adjoining area, as defined by a red line on the accompanying map No. 68.	
69. Warwick -	The municipal boroughs of Warwick and Royal Leamington Spa (Leamington), and the urban district of Kenilworth, with the adjoining area, including Hatton and Haseley, as defined by a red line on the accompanying map No. 69.	
70. Rugby -	The urban district of Rugby with the adjoining area, including Lutterworth, as defined by a red line on the accompanying map No. 70.	
71. Hinckley -	The urban district of Hinckley with the adjoining area, as defined by a red line on the accompanying map No. 71.	
72. Loughborough -	The municipal borough of Loughborough, and the urban district of Quorndon, with the adjoining area, as defined by a red line on the accompanying map No. 72.	
73. Leicester -	The county borough of Leicester with the adjoining area, as defined by a red line on the accompanying map No. 73.	
74. Northampton -	The county borough of Northampton, and the urban districts of Kettering and Wellingborough, with the adjoining area, as defined by a red line on the accompanying map No. 74.	
75. Cambridge -	The municipal borough of Cambridge with the adjoining area, as defined by a red line on the accompanying map No. 75.	
76. Newmarket -	The urban district of Newmarket with the adjoining area, as defined by a red line on the accompanying map No. 76.	
77. Chelmsford -	The municipal boroughs of Chelmsford and Maldon, and the urban district of Witham, with the adjoining area, as defined by a red line on the accompanying map No. 77.	
78. Colchester -	The municipal borough of Colchester with the adjoining area, including Nayland, Wivenhoe, and Brightlingsea, as defined by a red line on the accompanying map No. 78.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
79. Ipswich - -	The county borough of Ipswich, and the urban districts of Stowmarket, Felixstowe, and Walton, with the adjoining area, as defined by a red line on the accompanying map No. 79.	
80. Great Yarmouth -	The county borough of Great Yarmouth and the municipal borough of Lowestoft with the adjoining area, as defined by a red line on the accompanying map No. 80.	
81. Norwich - -	The city of Norwich with the adjoining area, as defined by a red line on the accompanying map No. 81.	
82. King's Lynn -	The municipal borough of King's Lynn with the adjoining area, as defined by a red line on the accompanying map No. 82.	
83. Peterborough -	The city of Peterborough and the urban district of Whittlesey, with the adjoining area, as defined by a red line on the accompanying map No. 83.	
84. Nottingham -	The county borough of Nottingham the municipal borough of Ilkeston, and the urban districts of Long Eaton and Hucknall Torkard, with the adjoining area, including Bulwell, Woodborough, and Bingham, as defined by a red line on the accompanying map No. 84.	
85. Grantham - -	The municipal boroughs of Grantham and Newark with the adjoining area, including Southwell, as defined by a red line on the accompanying map No. 85.	
86. Lincoln - -	The city of Lincoln with the adjoining area, as defined by a red line on the accompanying map No. 86.	
87. Gainsborough -	The urban district of Gainsborough with the adjoining area, as defined by a red line on the accompanying map No. 87.	
88. Worksop - -	The urban district of Worksop, and the municipal borough of East Retford, with the adjoining area, as defined by a red line on the accompanying map No. 88.	
89. Mansfield - -	The municipal borough of Mansfield, and the urban districts of Mansfield-Woodhouse, and Sutton-in-Ashfield, with the adjoining area, as defined by a red line on the accompanying map No. 89.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
90. Derby - -	The county borough of Derby, and the urban district of Belper, with the adjoining area, including Spondon as defined by a red line on the accompanying map No. 90.	
91. Burton-on-Trent -	The municipal borough of Burton-on-Trent, and the urban district of Ashby-de la-Zouch, with the adjoining area, as defined by a red line on the accompanying map No. 91.	
92. Stafford - -	The municipal borough of Stafford with the adjoining area, including Brocton Penkridge, and Dunston, as defined by a red line on the accompanying map No. 92.	
93. Stone - - -	The urban district of Stone with the adjoining area, as defined by a red line on the accompanying map No. 93.	
94. "The Potteries" -	The county borough of Hanley, the municipal boroughs of Stoke-upon-Trent, Newcastle-under-Lyme, Burslem, Congleton, and Longton, and the urban district of Tunstall, with the adjoining area, as defined by a red line on the accompanying map No. 94.	
95. Leek - - -	The urban district of Leek with the adjoining area, as defined by a red line on the accompanying map No. 95.	
96. Macclesfield -	The municipal borough of Macclesfield with the adjoining area, as defined by a red line on the accompanying map No 96.	
97. Crewe - - -	The municipal borough of Crewe and the urban districts of Nantwich and Sandbach with the adjoining area, as defined by a red line on the accompanying map No. 97.	
98. Middlewich -	The urban districts of Middlewich, Northwich, and Winsford with the adjoining area, as defined by a red line on the accompanying map No. 98.	
99. Runcorn - - -	The municipal borough of Widnes, and the urban district of Runcorn with the adjoining area, including Frodsham and Ince, as defined by a red line on the accompanying map No. 99.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
100. Liverpool -	The city of Liverpool, the county boroughs of Birkenhead and Bootle, and the urban districts of Walton-on-the Hill, West Derby, Wallasey, Much Woolton, Childwall, West Kirby-and-Hoylake, Neston-and-Park gate, Bromborough, Lower Bebington, Wavertree and Huyton, with the adjoining area, as defined by a red line on the accompanying map No. 100.	The Liverpool area overlaps the St. Helen's area, so that Huyton is common to both areas, as indicated in the respective maps of the two areas.
101. St. Helen's -	The county borough of St. Helen's, and the urban districts of Prescott and Huyton with the adjoining area, as defined by a red line on the accompanying map No. 101.	
102. Ormskirk -	The municipal borough of Southport, and the urban districts of Ormskirk, Skelmersdale, Birkdale, and Lathom, with the adjoining area as defined by a red line on the accompanying map No. 102.	
103. Blackpool -	The municipal borough of Blackpool, and the urban districts of Fleetwood and Lytham with the adjoining area, as defined by a red line on the accompanying map No. 103.	
104. Preston -	The county borough of Preston, and the urban districts of Kirkham, Fulwood, Leyland, and Walton-le-Dale with the adjoining area, as defined by a red line on the accompanying map No. 104.	
105. Blackburn	The county borough of Blackburn, the municipal boroughs of Clitheroe, Chorley, Darwen, and Accrington, and the urban districts of Clayton-le Moors, Church, Oswaldtwistle, Longridge, Rishton, Withnell, and Adlington, with the adjoining area, as defined by a red line on the accompanying map No. 105.	
106. Bolton -	The county borough of Bolton, and the urban districts of Farnworth, Kearsley, Atherton, Tyldesley with-Shakerley, West Houghton, Leigh, Horwich, Turton, and Little Lever, with the adjoining area, as defined by a red line on the accompanying map No. 106.	
107. Wigan -	The county borough of Wigan, and the urban districts of Newton-in-Makerfield, Orrell, Standish-with-Langtree, and Ashton in Makerfield, with the adjoining area, as defined by a red line on the accompanying map No. 107.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
108. Warrington -	The municipal borough of Warrington, with the adjoining area, as defined by a red line on the accompanying map No. 108.	
109. Stockport -	The county borough of Stockport, and the urban districts of Marple and New Mills, with the adjoining area, as defined by a red line on the accompanying map No. 109.	The Stockport area overlaps the Ashton-under-Lyne area, as indicated in the respective maps of the two areas.
110. Ashton-under-Lyne.	The municipal boroughs of Ashton-under-Lyne, Mossley, Hyde and Stalybridge and the urban districts of Dukinfield, Mottram-in Longden-dale, and Denton-and-Haughton, with the adjoining area, as defined by a red line on the accompanying map No. 110.	The Ashton-under-Lyne area overlaps the Stockport, Glossop, Oldham, and Manchester areas, as indicated in the respective maps of the five areas.
111. Glossop -	The municipal borough of Glossop, with the adjoining area, as defined by a red line on the accompanying map No. 111.	The Glossop area overlaps the Ashton-under-Lyne area, as indicated in the respective maps of the two areas.
112. Oldham -	The county borough of Oldham, the municipal borough of Middleton, and the urban district of Royton, with the adjoining area, as defined by a red line on the accompanying map No. 112.	The Oldham area overlaps the Ashton-under-Lyne and Rochdale areas, as indicated in the respective maps of the three areas.
113. Rochdale -	The county borough of Rochdale, the municipal borough of Heywood, and the urban districts of Littleborough, Wilnrow, and Whitworth, with the adjoining area, as defined by a red line on the accompanying map No. 113.	The Rochdale area overlaps the Oldham area, as indicated in the respective maps of the two areas.
114. Manchester	The city of Manchester, the county borough of Salford, the municipal borough of Eccles, and the urban districts of Altrincham, Bowdon, Stretford, Wilmslow, and Cheadle-and-Gatley, with the adjoining area, including Handforth, as defined by a red line on the accompanying map No. 114.	The Manchester area overlaps the Ashton-under-Lyne and Bury areas, as indicated in the respective maps of the three areas.
115. Bury	The county borough of Bury, and the urban districts of Ramsbottom, Whitefield and Radcliffe with the adjoining area, as defined by a red line on the accompanying map No. 115.	The Bury area overlaps the Manchester area as indicated in the respective maps of the two areas.

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
116. Bacup	The municipal boroughs of Bacup, Haslingden, and Rawtenstall, with the adjoining area as defined by a red line on the accompanying map No. 116.	
117. Burnley	The county borough of Burnley, the municipal borough of Nelson, and the urban districts of Holme, Todmorden, Padiham-and-Hapton, Brierfield, and Colne-and-Marsden, with the adjoining area, as defined by a red line on the accompanying map No. 117.	
118. Buxton	The urban district of Buxton, with the adjoining area, including Chapel-en-le-Frith, as defined by a red line on the accompanying map No. 118.	
119. Chesterfield	The municipal borough of Chesterfield, and the urban districts of Bakewell, Clay Cross, Baslow-and-Bubnell, Whittington and Bolsover, with the adjoining area, as defined by a red line on the accompanying map No. 119.	
120. Sheffield	The city of Sheffield, the municipal borough of Rotherham and the urban districts of Dronfield, Handsworth, Mexborough, and Hoyland-Nether, with the adjoining area, as defined by a red line on the accompanying map No. 120.	
121. Barnsley	The municipal borough of Barnsley and the urban districts of Monk Bretton, Wombwell and Worsborough, with the adjoining area, as defined by a red line on the accompanying map No. 121.	
122. Penistone	The urban districts of Penistone and Denby, with the adjoining area, as defined by a red line on the accompanying map No. 122.	
123. Huddersfield	The county borough of Huddersfield and the urban districts of Kirkheaton, Kirkburton, Holmfirth, Skelmanthorpe, Netherthorpe, South Crossland, Farnley Tyas, Honley, Shepley, Shelley, Thurstonland, Cumberworth and Cumberworth half (upper division), Slaithwaite, Meltham, Golcar, Linthwaite, Rastrick, Brighouse and Elland, with the adjoining area, as defined by a red line on the accompanying map No. 123.	The Huddersfield area overlaps the Halifax area, as indicated in the respective maps of the two areas, so that Elland is common to both areas.
124. Halifax	The county borough of Halifax and the urban districts of South Oram, Sowerby, Sowerby Bridge, Luddenden Foot, Mytholmroyd, Hebden Bridge and Elland, with the adjoining area, including Heptonstall, as defined by a red line on the accompanying map No. 124.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
125. Dewsbury	- The municipal boroughs of Dewsbury, Ossett, and Batley and the urban districts of Liversedge, Heckmondwike, Mirfield, Thornhill, Birstal, Birkenshaw, and Cleckheaton with the adjoining area, as defined by a red line on the accompanying map No. 125.	The Leeds area overlaps the Bradford area in such a manner that Ilkley, Rawdon, Otley, Guiseley and Stanningley are common to both areas as indicated in the respective maps of the two areas.
126. Wakefield	- The municipal boroughs of Wakefield and Pontefract, and the urban districts of Knottingley, Featherstone, Sandal Magna, Horbury, Normanton, and Castleford with the adjoining area, as defined by a red line on the accompanying map No. 126.	
127. Leeds	- The city of Leeds, the municipal borough of Morley and the urban districts of Drighlington, Tong, Gildersome, Methley, Ilkley, Otley, Rawdon, and Guiseley with the adjoining area, as defined by a red line on the accompanying map No. 127.	
128. Bradford	- The county borough of Bradford, the municipal borough of Keighley and the urban districts of Bingley, Calverley, Skipton, Ilkley, Otley, Rawdon, Haworth, Shipley, Thornton, Baildon and Guiseley with the adjoining area, as defined by a red line on the accompanying map No. 128.	
129. Harrogate	- The municipal borough of Harrogate, the city of Ripon, and the urban districts of Knaresborough and Tentergate, with the adjoining area, including Boroughbridge and Ripley, as defined by a red line on the accompanying map No. 129.	
130. Thirsk	- The town of Thirsk and the urban districts of Wath-upon Dearne and Kirklington-cum-Upsland with the adjoining area, as defined by a red line on the accompanying map No. 130.	
131. Tadcaster	- The towns or places of Tadcaster, Wetherby, Aberford, and Sherburn with the adjoining area, as defined by a red line on the accompanying map No. 131.	
132. Goole	- The urban district of Goole with the adjoining area, including Snaith and Rawcliff, as defined by a red line on the accompanying map No. 132.	
133. Doncaster	- The municipal borough of Doncaster with the adjoining area, as defined by a red line on the accompanying map No. 133.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
134. Great Grimsby -	The county borough of Great Grimsby with the adjoining area, as defined by a red line on the accompanying map No. 134.	
135. Hull - -	The county borough of Kingston-upon-Hull, the municipal boroughs of Beverley and Heden and the urban district of Cottingham, with the adjoining area, as defined by a red line on the accompanying map No. 135.	
136. York - -	The city of York and the urban district of Skelton-and-Brotton with the adjoining area, as defined by a red line on the accompanying map No. 136.	
137. New Malton -	The urban districts of Malton, Pickering and Normanby with the adjoining area, including Kirkby Moorside, Helmsley and High Hutton, as defined by a red line on the accompanying map No. 137.	
138. Scarborough -	The municipal borough of Scarborough and the urban district of Filey with the adjoining area, as defined by a red line on the accompanying map No. 138.	
139. Whitby - -	The urban district of Whitby with the adjoining area, as defined by a red line on the accompanying map No. 139.	
140. Middlesbrough (including Stockton).	The county borough of Middlesbrough, the municipal borough of Stockton-on-Tees, and the urban districts of Guisborough and Ormsby with the adjoining area, including Stokesley and Yarm, as defined by a red line on the accompanying map No. 140.	
141. Hartlepool -	The municipal boroughs of Hartlepool and West Hartlepool with the adjoining area, as defined by a red line on the accompanying map No. 141.	
142. Darlington -	The municipal borough of Darlington with the adjoining area, as defined by a red line on the accompanying map No. 142.	
143. Northallerton -	The urban district of Northallerton with the adjoining area, as defined by a red line on the accompanying map No. 143.	
144. Richmond(Yorks)	The municipal borough of Richmond (Yorks) with the adjoining area, including Reeth, as defined by a red line on the accompanying map No. 144.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
145. Lancaster -	The municipal borough of Lancaster and the urban district of Morecambe with the adjoining area, as defined by a red line on the accompanying map No. 145.	
146. Kendal -	The municipal borough of Kendal, and the urban districts of Ambleside, Bowness, Windermere, and Kirkby Lonsdale, with the adjoining area, as defined by a red line on the accompanying map No. 146.	
147. Barrow - Ulverston.	The county borough of Barrow-in-Furness, and the urban districts of Dalton-in-Furness and Ulverston, with the adjoining area, as defined by a red line on the accompanying map No. 147.	
148. Isle of Man -	The whole of the Isle of Man. Map No. 148.	
149. Whitehaven -	The urban districts of Whitehaven, Egremont, Harrington, Arlecdon-and-Frizington and Cleator Moor, with the adjoining area, as defined by a red line on the accompanying map No. 149.	
150. Cockermouth -	The municipal borough of Workington, and the urban district of Cockermouth, with the adjoining area, as defined by a red line on the accompanying map No. 150.	
151. Maryport -	The urban districts of Maryport and Aspatria with the adjoining area, as defined by a red line on the accompanying map No. 151.	
152. Carlisle -	The city of Carlisle, and the urban district of Wigton, with the adjoining area, as defined by a red line on the accompanying map No. 152.	
153. Hexham -	The urban district of Hexham with the adjoining area, including Corbridge, as defined by a red line on the accompanying map No. 153.	
154. Consett -	The urban district of Consett with the adjoining area, as defined by a red line on the accompanying map No. 154.	
155. Bishop Auckland	The urban district of Bishop Auckland with the adjoining area, as defined by a red line on the accompanying map No. 155.	
156. Durham -	The city of Durham with the adjoining area, as defined by a red line on the accompanying map No. 156.	

Number and Name of Area.	Description of Area	Special Provisions applicable to Area.
157. Sunderland	- The county borough of Sunderland, and the urban districts of Seaham Harbour and Houghton-le-Spring, with the adjoining area, as defined by a red line on the accompanying map No. 157.	The Gateshead area overlaps the Newcastle-upon-Tyne area, as indicated in the respective maps of the two areas, so that Gateshead is common to both areas.
158. Gateshead	- The county borough of Gateshead, with the adjoining area, including Chester-le-Street, as defined by a red line on the accompanying map No. 158.	
159. Newcastle-upon-Tyne.	- The city of Newcastle-upon-Tyne, the county borough of Gateshead, and the urban districts of Wallsend and South Gosforth, with the adjoining area, as defined by a red line on the accompanying map No. 159.	
160. North Shields	- The municipal borough of Tynemouth, and the urban district of Whitley and Monkseaton, with the adjoining area, as defined by a red line on the accompanying map No. 160.	
161. South Shields	- The county borough of South Shields and the municipal borough of Jarrow with the adjoining area, as defined by a red line on the accompanying map No. 161.	
162. Blyth	- The town of Blyth with the adjoining area, including Bedlington, as defined by a red line on the accompanying map No. 162.	
163. Morpeth	- The municipal borough of Morpeth with the adjoining area, as defined by a red line on the accompanying map No. 163.	
164. Alnwick	- The urban district of Alnwick and Canongate with the adjoining area, as defined by a red line on the accompanying map No. 164.	
165. Berwick-upon-Tweed.	- The county of the borough and town of Berwick-upon-Tweed with the adjoining area, as defined by a red line on the accompanying map No. 165.	

SCOTLAND.

166. Langholm	- The town of Langholm with the adjoining area, as defined by a red line on the accompanying map No. 166.
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Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
167. Dumfries - -	The Royal and Parliamentary burghs of Dumfries, Lochmaben, and Annan, and the police burgh of Lockerbie, with the adjoining area, including Ecclefechan and Dornock, as defined by a red line on the accompanying map No. 167.	
168. Sanquhar - -	The Royal and Parliamentary burgh of Sanquhar, with the adjoining area, as defined by a red line on the accompanying map No. 168.	
169. Moffat - -	The police burgh of Moffat, with the adjoining area, as defined by a red line on the accompanying map No. 169.	
170. Galashiels - -	The Royal and Parliamentary burgh of Selkirk, the Parliamentary burghs of Galashiels and Hawick, the Royal burghs of Peebles and Jedburgh, and the police burgh of Kelso, with the adjoining area, including Melrose, as defined by a red line on the accompanying map No. 170.	
171. Lanark - -	The Royal and Parliamentary burgh of Lanark, with the adjoining area, as defined by a red line on the accompanying map No. 171.	
172. Catrine - -	The town of Catrine and the police burgh of Cumnock-and-Holmhead, with the adjoining area, as defined by a red line on the accompanying map No. 172.	
173. Kilmarnock - -	The Royal and Parliamentary burghs of Ayr and Irvine, the Parliamentary burgh of Kilmarnock, the police burghs of Ardrossan, Saltcoats, Stewarton, and Kilwinning, with the adjoining area, as defined by a red line on the accompanying map No. 173.	
174. Beith - -	The towns of Beith and Dalry, with the adjoining area, as defined by a red line on the accompanying map No. 174.	
175. Largs - -	The police burgh of Largs, with the adjoining area, as defined by a red line on the accompanying map No. 175.	
176. Rothesay - -	The whole of the Island of Bute. Map No. 176.	
177. Greenock - -	The Parliamentary burghs of Greenock and Port Glasgow, with the adjoining area, as defined by a red line on the accompanying map No. 177.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
178. Helensburgh -	The Royal and Parliamentary burgh of Dumbarton, and the police burghs of Helensburgh and Cove-and-Kilcreggan, with the adjoining area, including Ballock, as defined by a red line on the accompanying map No. 178.	
179. Paisley -	The Royal and Parliamentary burgh of Renfrew, the Parliamentary burgh of Paisley, and the police burghs of Johnstone and Barrhead, with the adjoining area, as defined by a red line on the accompanying map No. 179.	
180. Glasgow -	The Royal and Parliamentary burghs of Glasgow and Rutherglen, and the police burghs of Govan, Pollockshaws, and Partick, with the adjoining area, including Kirkintilloch and Cambuslang, as defined by a red line on the accompanying map No. 180.	
181. Hamilton -	The Parliamentary burghs of Hamilton and Airdrie, and the police burghs of Motherwell and Wishaw, with the adjoining area, including Coatbridge and Bothwell, as defined by a red line on the accompanying map No. 181.	
182. Penicuik -	The police burgh of Penicuik, with the adjoining area, as defined by a red line on the accompanying map No. 182.	
183. Edinburgh -	The Royal and Parliamentary burgh of Edinburgh, the Parliamentary burghs of Leith, Portobello, and Musselburgh, and the police burghs of Dalkeith, Lasswade, and Loanhead, with the adjoining area, as defined by a red line on the accompanying map No. 183.	
184. Broxburn -	The town of Broxburn, with the adjoining area, as defined by a red line on the accompanying map No. 184.	
185. Bathgate -	The police burgh of Bathgate, with the adjoining area, as defined by a red line on the accompanying map No. 185.	
186. Linlithgow -	The Royal and Parliamentary burgh of Linlithgow, with the adjoining area, as defined by a red line on the accompanying map No. 186.	
187. Falkirk -	The Parliamentary burgh of Falkirk, and the police burghs of Borrowstounness, and Grangemouth, with the adjoining area, as defined by a red line on the accompanying map No. 187.	
188. Stirling -	The Royal and Parliamentary burgh of Stirling, and the police burghs of Bridge of Allan, Alva, Alloa, Tilliecultry, and Dollar, with the adjoining area, including Clackmannan, as defined by a red line on the accompanying map No. 188.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
189. Dunfermline	- The Royal and Parliamentary burghs of Dunfermline and Inverkeithing, with the adjoining area, as defined by a red line on the accompanying map No. 189.	
190. Kirkcaldy	- The Royal and Parliamentary burghs of Kirkcaldy, Burntisland, Kinghorn and Dysart, and the police burgh of Markinch, with the adjoining area, as defined by a red line on the accompanying map No. 190.	
191. Leven	- The police burghs of Leven and Leslie, with the adjoining area, as defined by a red line on the accompanying map No. 191.	
192. Perth	- The Royal and Parliamentary burgh of Perth, the Royal burgh of Newburgh, and the police burgh of Abernethy, with the adjoining area, as defined by a red line on the accompanying map No. 192.	
193. Arbroath	- The Royal and Parliamentary burgh of Arbroath, with the adjoining area, as defined by a red line on the accompanying map No. 193.	
194. Cupar	- The Royal and Parliamentary burgh of Cupar, with the adjoining area, as defined by a red line on the accompanying map No. 194.	
195. St. Andrew's	- The Royal and Parliamentary burgh of St. Andrew's, with the adjoining area, as defined by a red line on the accompanying map No. 195.	
196. Dundee	- The Royal and Parliamentary burgh of Dundee and the police burghs of Broughty Ferry and Carnoustie, with the adjoining area, as defined by a red line on the accompanying map No. 196.	
197. Forfar	- The Royal and Parliamentary burgh of Forfar, with the adjoining area, as defined by a red line on the accompanying map No. 197.	
198. Montrose	- The Royal and Parliamentary burghs of Montrose and Brechin, with the adjoining area, as defined by a red line on the accompanying map No. 198.	
199. Aberdeen	- The Royal and Parliamentary burgh of Aberdeen, and the police burghs of Stonehaven and Banchory, with the adjoining area, as defined by a red line on the accompanying map No. 199.	
200. Inverness	- The Royal and Parliamentary burghs of Inverness, Dingwall, and Fortrose, with the adjoining area, as defined by a red line on the accompanying map No. 200.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
201. Fort William -	The police burgh of Fort William, with the adjoining area, as defined by a red line on the accompanying map No. 201.	
202. Oban - -	The Parliamentary burgh of Oban, with the adjoining area, as defined by a red line on the accompanying map No. 202.	
203. Elgin ¹ - -	The Royal and Parliamentary burghs of Elgin and Forres, and the police burgh of Lossiemouth, with the adjoining area, as defined by a red line on the accompanying map No. 203.	

IRELAND.

204. Londonderry -	The city of Londonderry, with the adjoining area, including Strabane, as defined by a red line on the accompanying map No. 204.	
205. Belfast - -	The city of Belfast, and the townships of Carrickfergus, Newtownards, Bangor, Dromore, Lurgan, and Portadown, with the adjoining area, including Larne and Comber, as defined by a red line on the accompanying map No. 205.	
206. Dundalk - -	The township of Dundalk, with the adjoining area, as defined by a red line on the accompanying map No. 206.	
207. Drogheda - -	The municipal borough of Drogheda, with the adjoining area, as defined by a red line on the accompanying map No. 207.	
208. Dublin - -	The city of Dublin, and the townships of Bray, Clontarf, Kingstown, and Blackrock, with the adjoining area, as defined by a red line on the accompanying map No. 208.	
209. Wexford - -	The municipal borough of Wexford, and the urban district of Enniscorthy, with the adjoining area, as defined by a red line on the accompanying map No. 209.	
210. Waterford -	The city of Waterford, and the township of Carrick-on-Suir, with the adjoining area, as defined by a red line on the accompanying map No. 210.	
211. Clonmel - -	The municipal borough of Clonmel, with the adjoining area, including Caher and Fethard, as defined by a red line on the accompanying map No. 211.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
212. Cork - -	The city of Cork, and the township of Queenstown, with the adjoining area, including Blarney and Monks-town, as defined by a red line on the accompanying map No. 212.	
213. Limerick - -	The city of Limerick, with the adjoining area, as defined by a red line on the accompanying map No. 213.	

PART III.

Any urban district in England, Wales, or Ireland, and any burgh (as defined by the Public Health (Scotland) Act, 1867), in Scotland, not already specified in Part II. of this Schedule.

THE THIRD SCHEDULE BEFORE REFERRED TO.

DESCRIPTION OF TRUNK LINES, TRUNK WIRES, AND WORKS TO BE TRANSFERRED TO
THE POSTMASTER GENERAL.

[Details not yet ascertained.]

THE FOURTH SCHEDULE BEFORE REFERRED TO.

AGREEMENTS AS TO WAYLEAVE ON RAILWAYS AND CANALS.

[These Agreements relate to the following Railway and Canal Companies, viz. :—

Birmingham Canal Navigation Company.
Cheshire Lines Committee.
Cockermouth, Keswick, and Penrith Railway Company.
Glasgow and South Western Railway Company.
Great Eastern Railway Company.
Great Northern Railway Company.
Great North of Scotland Railway Company.
Great Western Railway Company.
Highland Railway Company.
Lancashire and Yorkshire Railway Company.
Leeds and Liverpool Canal Company.
London and North Western Railway Company.
London and South Western Railway Company.
London, Brighton, and South Coast Railway Company.
London, Chatham, and Dover Railway Company.
Manchester, Sheffield, and Lincolnshire Railway Company.
Metropolitan District Railway Company.
Midland Railway Company.
North British Railway Company.
North Eastern Railway Company.
North Staffordshire Railway Company.
River Weaver Navigation Trustees.
Shropshire Union Railways and Canal Company.

And in each case the Telephone Company contracts to pay the Postmaster General 1*l*. per mile per wire per annum. Other similar agreements are in course of settlement.]

APPENDIX E.

DRAFT of Proposed Agreement between the Postmaster General and the
New Telephone Company Limited.

THIS INDENTURE made the day of 189 between The Right Honourable Arnold Morley M.P. Her Majesty's Postmaster General (who and whose successors in office for the time being are intended to be hereinafter included in the term "the Postmaster General") on behalf of Her Majesty of the one part and the New Telephone Company Limited the registered office of which is at Numbers 58 and 59 London Wall in the City of London (hereinafter called "the Company") of the other part.

WHEREAS by an Indenture dated the 16th day of June 1885 and made between The Right Honourable George John Shaw Lefevre M.P. then Her Majesty's Postmaster General on behalf of Her Majesty of the one part and the Company of the other part (which Indenture is hereinafter referred to as "the Indenture of 1885") the Postmaster General covenanted and agreed with the Company that the Company should during the term of twenty-seven years from the 1st day of January 1885 (determinable as in the same Indenture provided) have license and permission to do the following things (that is to say) :—

(1.) To work and use telegraphs of which the transmitting and receiving instruments should be telephones but no other kind or description of telegraphs for the purpose of enabling any person with whom the Company agreed in that behalf to transmit direct from and receive at any office to and from any other person at any other office by means of spoken words (but not otherwise) and with the aid of such telegraphs as aforesaid telegraphic messages relating to the business or private affairs of such persons respectively or one of them and

(2.) To receive from all such persons as the Company should agree with as aforesaid for or in respect of the purchase or hire or maintenance or working or use of the said telegraphs or any part or parts thereof for the purpose aforesaid or for or in respect of the right or permission to transmit or receive or otherwise in respect of the transmission or receipt of such telegraphic messages as aforesaid by means of the said telegraphs such sums of money or other valuable considerations as should be agreed upon between the Company and the said persons respectively And the said license was granted subject to such provisions and to such covenants on the part of the Company as in the same Indenture are specified.

And whereas the several acts which the Company were authorised to do and the business which they were authorised to carry on under and by virtue of the Indenture of 1885 are hereinafter for convenience collectively referred to by the expression "telephonic business" and the expression "to transact telephonic business" means to do such acts and to carry on such business as aforesaid.

And whereas by the Indenture specified in the First Schedule hereto Her Majesty's Postmaster General in office at the date of the said Indenture granted to the Company specified in the said Schedule license to transact telephonic business on the terms and subject to the provisions and covenants therein specified.

And whereas the undertaking of the said Company mentioned in the First Schedule hereto has been acquired by the Company and upon such acquisition the Indenture specified in the First Schedule hereto came into the hands of the Company subject nevertheless to the covenants therein contained.

And whereas it has been agreed by and between the Postmaster General and the Company that the Company shall to the extent hereinafter specified cease to transact telephonic business under the license and permission granted by the Indenture of 1885 and shall to the extent aforesaid surrender and release the powers authorities benefits and advantages conferred by the said Indenture and shall also procure the delivery up and surrender of the Indenture specified in the First Schedule hereto.

And whereas in part performance of the said Agreement the Company have prior to the execution of these presents surrendered and delivered up to the Postmaster General the Indenture specified in the First Schedule hereto.

And

And whereas it has been further agreed between the Postmaster General and the Company that the Company shall sell and the Postmaster General shall buy certain of the Company's telegraphs hereinafter more particularly specified.

And whereas during the preliminary negotiations for this Agreement it was agreed that the purchase money to be paid for such telegraphs should be the cost price thereof as shown by the Company's books together with the further sum (in respect of cost of administration) of ten per cent. of the amount of such cost price such cost price to be settled by arbitration if the parties differed.

And whereas the Company's books do not show in detail the cost price of such telegraphs and it has therefore been further agreed between the Postmaster General and the Company that the purchase money to be paid for such telegraphs shall be a sum equal to the estimated cost thereof to the Company (including in such cost all reasonable incidental expenditure) together with such further sum as aforesaid of ten per cent. of the amount of such cost and that such estimated cost shall be ascertained by two experts in telegraphic engineering one to be appointed by the Postmaster General and the other to be appointed by the Company and that all differences between such experts shall be settled by arbitration in a summary manner upon the respective statements of such experts *vis à voce* or in writing or upon such other materials as the arbitrator may require but without the aid of counsel.

And whereas the purchase money to be paid for such telegraphs has been ascertained in manner aforesaid to be the sum of £

And whereas by the Telegraph Act 1892 (55 & 56 Vict. c. 59) it is provided (Section 5) as follows :—

“(1.) Where the Postmaster General has either before or after the passing of this Act licensed any Company or person to transmit any telegrams within the meaning of the Telegraph Acts 1863 to 1889 he may by the same or any other licence authorise such Company or person (in this Act referred to as ‘the licensee’) during the time and within the area specified in the licence, to exercise the powers which are conferred on the Postmaster General by the Telegraph Acts 1863 and 1878 and by the provisions of this Act relating to Provisional Orders or such of those powers as are specified in the licence and thereupon the enactments conferring those powers or relating to the exercise thereof including any penal provisions shall apply accordingly :

“(2.) Provided as follows :

“(a.) A licensee shall not exercise any powers under the said enactments except in an urban sanitary district or such area adjoining an urban sanitary district as is described in the licence ;

“(b.) Notwithstanding anything in the Telegraph Act 1878 a licensee shall not exercise any powers under the said enactments without the consent in London of the County Council and in any urban sanitary district outside London of the Urban Sanitary Authority and elsewhere of the County Council and shall be subject to any terms and conditions which the County Council or Urban Sanitary Authority may attach to any such consent and shall comply with any regulations of such Council or Authority from time to time in force in relation to telegraphic lines.”

And whereas with a view to enable the Company to transact telephonic business within the areas hereinafter specified efficiently and to the greater benefit of the public than heretofore the Postmaster General has consented to authorise the Company (so far as he lawfully can or may) to exercise within the said areas the powers in the Telegraph Act 1892 referred to as aforesaid subject to the proviso hereinafter contained and it has been further agreed by and between the Postmaster General and the Company that the Postmaster General and the Company shall respectively enter into the covenants and agreements hereinafter contained.

Now this Indenture witnesseth that in consideration of the premises and of the matters hereinafter appearing it is hereby agreed and declared between and by the parties hereto and the Company (as to the covenants and agreements hereinafter contained on their part) do hereby covenant and agree with the Postmaster General and the Postmaster General (as to the covenants and agreements hereinafter contained on his part) in exercise of all powers and authorities enabling him in this

behalf doth hereby covenant and agree with and authorise the Company in manner following (that is to say) :—

Interpretation clause.

1. In these presents words and expressions shall have the several meanings hereinafter assigned to them unless there be something either in the subject or context repugnant to such construction (that is to say) :—

The word “telephone” means and includes any telegraphic transmitting or receiving instrument used or intended to be used at any office for the purpose of transmitting or receiving spoken messages or communications by means of electricity.

The expression “telephonic message” means a spoken message or communication transmitted by telephone.

The word “office” means and includes any building or part of a building or any place which is telegraphically connected or intended to be connected either permanently or temporarily by a telegraph wire or telegraph wires with some other building part of a building or place (whether such buildings parts of buildings or places respectively be occupied or used by any person solely or jointly with any other person) and in which telephones are or are intended to be used for the purpose of enabling any person to transmit from and receive at such building part of a building or other place telephonic messages of the kind authorised by the Indenture of 1885.

The word “exchange” means and includes any building telegraphically connected or intended to be so connected with two or more offices by telegraph wires and used or intended to be used for the purpose of enabling telephonic messages to be transmitted direct between such offices by means of or with the aid of such wires and by appliances placed in the exchange.

The expression “exchange subscriber” means any person with whom the Company the Postmaster General or any other person working an exchange has entered into an agreement for the purpose of enabling such subscriber to communicate with other persons through the medium of an exchange.

The expression “exchange area” means one of the areas specified in the Second Schedule hereto and any other area which may from time to time be specified by the Postmaster General in writing to be an exchange area.

The expression “trunk-wire” means a telegraph wire used for telephonic communication and connecting an exchange or a post office in one exchange area with an exchange or a post office in another exchange area and the expression “trunk wires of the Postmaster General” or “the Postmaster General’s trunk wires” means and includes all trunk wires for the time being belonging to or worked by the Postmaster General.

The expression “trunk line” means and include a trunk wire and all posts cables tubes or other works supporting or containing such wire.

The expression “call office” means an office open to the public for the purpose of the transmission therefrom of telephonic messages under such regulations as may from time to time in the case of a call office on premises owned or occupied by the Postmaster General be prescribed by the Postmaster General and in the case of any other call office be prescribed by the Company.

The expression “establish telephonic communication” between two offices means to connect such offices with each other by one or more telegraph wires and the telephones connected therewith in such manner that telephonic messages may be transmitted from one of such offices to the other and such expression includes the maintenance of such communication where it already exists.

The expression “on an exchange” when used in relation to an office means that such office is telegraphically connected with such exchange for the purpose of enabling telephonic messages to be transmitted direct between such office and other offices similarly connected with such exchange.

The word “person” includes the Company party hereto and also any Corporation and any Joint Stock Company and any other Association or aggregate of individual persons.

Transfer of trunk lines trunk wires and works.

2.—(1.) On the First day of July 1895 or on such earlier day as may be fixed by agreement between the Postmaster General and the Company (which day is hereinafter referred to as “the appointed day”) the Company shall deliver and hand over to the Postmaster General :

(i.) So much of any trunk line erected or in course of erection by the Company on the 11th of August 1892 as is situate outside any exchange area ;

(ii.) With

(ii.) With regard to those parts of trunk lines erected or in course of erection as aforesaid which are situate inside exchange areas :—

- (a.) All trunk wires forming part of such trunk lines ;
- (b.) All posts cables tubes or other works supporting or containing trunk wires alone ;
- (c.) Where the posts cables tubes or other works supporting or containing trunk wires also support or contain other wires of the Company all such posts cables tubes or other works as support or contain a larger number of trunk wires than of other wires of the Company unless the retention of any such work by the Company is established to the satisfaction of an arbitrator to be essential to the conduct of the Company's business after the appointed day.

(2.) The several trunk lines trunk wires and works hereinbefore specified (all which for greater certainty are set out in the Third Schedule hereto) together with all estates interests rights powers and authorities possessed or enjoyed by the Company in relation to the maintenance or erection of the same shall on and as from the appointed day become and be deemed to be the property of and vest in the Postmaster General absolutely for all the estate and interest previously enjoyed therein by the Company freed from any charge or incumbrance thereon created by the Company but subject to all wayleaves and other rentals contracts and burdens of every kind subject to which the Company hold the same or which the Company have to pay observe perform or bear in connection therewith.

Provided always :—

- (a.) That all rentals and other outgoings shall be apportioned up to the appointed day.
- (b.) That where after the appointed day the consideration for any such rental or burden as aforesaid enures to the benefit of the Company the Company shall repay to the Postmaster General any sums paid paid by him in respect of such rental or burden or shall in case such burden relates to the user of a trunk wire pay to the Postmaster General all such sums as he would have received in respect of such user had such burden not existed.
- (c.) That where after the appointed day the consideration for any such rental or burden as aforesaid enures to the benefit partly of the Company and partly of the Postmaster General the Company shall pay to the Postmaster General such proportion of such sums as in the last preceding paragraph mentioned as may be agreed upon between the Postmaster General and the Company or settled by arbitration.

(3.) Subject to the foregoing provisions the Postmaster General shall indemnify and save harmless the Company from all such wayleaves rentals and burdens as in this Article mentioned and the Company will do all such acts as may be necessary to effect a complete delivery and transfer to the Postmaster General of all such trunk lines trunk wires and works as are in this Article mentioned together with all such estates interests rights powers and authorities as aforesaid.

(4.) Upon delivery of such trunk lines trunk wires and works in manner aforesaid the Postmaster General shall pay to the Company the said purchase money of £.

3.—(1.) From and after the appointed day the Company shall so long as it is required by the Postmaster General so to do maintain to the reasonable satisfaction of the Postmaster General all trunk wires of the Postmaster General which are supported by or contained in any post cable tube or other work which is the property of the Company and the Postmaster General shall so long as he is required by the Company so to do maintain to the reasonable satisfaction of the Company all wires of the Company supported by or contained in any post cable tube or other work which is the property of the Postmaster General.

(2.) The Postmaster General shall pay to the Company and the Company shall pay to the Postmaster General in respect of all wires maintained as aforesaid yearly sums accruing from day to day at the following rates that is to say :

(a.) Thirty shillings per annum for every mile of wire carried over the roofs of houses ; and

(b.) One pound per annum for every mile of wire otherwise carried.

Any fraction of a mile over and above a complete number of miles shall be treated as a mile and the rates herein specified shall be subject to revision on six months' notice from either party at any time after the expiration of five years from the appointed day and in like manner at any time after the expiration of any period of five years from the day on which any revised rates shall come into operation.

(3.) If either party should after reasonable notice from the other party make default in maintaining the wires of the other party as provided by this Article the party owning or working any wire in respect of which default has been made shall be at liberty to do all such acts for the maintenance of such wire and the works supporting or containing the same as he would be entitled to do if the works supporting or containing the wire belonged to him and in any such case if the Postmaster General incurs expense in maintaining works belonging to the Company or the Company incurs expense in maintaining works belonging to the Postmaster General the expense of maintaining such works shall be borne by the Postmaster General and the Company respectively proportionately to the number of wires supported by or contained in such works and belonging to the Postmaster General and the Company respectively.

(4.) If either party is compelled through the action of the owner lessee or occupier of any property upon which the work is erected to remove any work bearing wires of the other party the party to whom the work belongs shall give notice of such proposed removal to the other party and unless such last-mentioned party within one calendar month gives a counter notice to the effect that the re-erection of the wires of such party is not required the costs of removing the work and re-erecting the wires thereon shall be borne by the two parties proportionately to the number of wires supported by or contained in the work and belonging to the parties respectively.

(5.) In this Article the expression "maintain" shall be deemed to include all necessary renewals.

(6.) Any difference between the parties as to the construction of this Article or any question arising thereout shall be settled by arbitration.

Limitation of
Company's
license.

4. - (1.) Subject to the provisions of this Article the Company shall on and as from the appointed day cease to transact telephonic business elsewhere than within exchange areas it being the intent and meaning of these presents that from and after the appointed day the Indenture of 1885 shall be read and construed as though the license and permission powers and authorities thereby granted had been limited by the said Indenture to the said exchange areas and had effect and operation only within the said exchange areas.

(2.) The Company may establish telephonic communication between an exchange subscriber's office situate outside an exchange area and an exchange of the Company within such area but the Company shall not establish any exchange or (save as thus provided) transact any other kind of telephonic business outside the said exchange areas.

(3.) Where two or more exchange areas adjoin or overlap the Company shall not establish telephonic communication between any office in one of such areas and any office in any other of such areas except so far as such communication may be authorised by the provisions of the Second Schedule hereto and such provisions shall be deemed for all purposes to be provisions of this Indenture.

Connection
of post
offices and
exchanges.

5. - (1.) Unless unable (after exercising all powers in that behalf vested in them) to execute and maintain the necessary works in that behalf the Company shall on or after the appointed day at any time and from time to time at the request of the Postmaster General and at the cost and expense of the Company establish telephonic communication between any exchange of the Company and any post office (situate within

within a radius of one mile from such exchange) which the Postmaster General may from time to time specify in that behalf (which post office is hereinafter referred to as a "prescribed post office") and shall maintain such communication until otherwise requested by the Postmaster General.

(2.) The number of telegraph wires and of telephones necessary to establish telephonic communication under the preceding sub-clause of this Article shall be such as the Postmaster General may from time to time prescribe. Provided that where trunk wires of the Postmaster General are led into a prescribed post office the Company shall be deemed to have discharged its obligation under the said sub-clause by carrying telegraph wires to such post office and shall not be bound to do any work within such post office or supply any telephones for use therein and the number of wires to be carried to such post office shall not exceed the total number arrived at by adding twice the number of the Postmaster General's trunk wires led into the same post office to the number of wires deemed by the Postmaster General necessary to enable him satisfactorily to render such local services as are hereinafter provided for in sub-clauses 2, 3, and 4 of the next succeeding Article.

(3.) The Postmaster General may at any prescribed post office establish a call office on any exchange of the Company. Provided that the use of such call office for communications to subscribers to the Company's exchange shall be subject to such charges as are for the time being made at other call offices of the Company within the same exchange area.

(4.) The Company may on or after the appointed day at any time and from time to time without such request of the Postmaster General as aforesaid establish call offices at other post offices on the following conditions that is to say:—

(a.) Where the building in which the post office is established is vested in the Postmaster General or is the subject of a lease or agreement for tenancy in the name of the Postmaster General (which building in such case is hereinafter referred to as a "Crown office") such call office shall not be established except by and under an agreement with the Postmaster General.

(b.) Where the building in which the post office is established is not a Crown office such call office shall not be established except with the consent in writing of the Postmaster General and subject to such conditions as to the exchange on which the call office is to be established and otherwise as the Postmaster General may prescribe.

6 —(1.) Where and so long as telephonic communication is established between an exchange and a prescribed post office the Postmaster General and the Company shall respectively do all such acts and things as may be necessary to enable telephonic messages to be transmitted.

Telephonic communication through post offices.

(a.) Between any two offices on such exchange, and

(b.) By means of trunk wires of the Postmaster General between any office on such exchange and any office in any other exchange area whether such office be on an exchange of the Company or on an exchange of the Postmaster General or on an exchange of some other licensee of the Postmaster General.

(2.) Where and so long as telephonic communication is established between an exchange and a prescribed post office the Postmaster General will receive at such post office from any office on such exchange any telephonic messages for any of the following purposes (that is to say):—

(a.) For transmission over the postal telegraphs and delivery as a telegram, or

(b.) For delivery as an express letter, or

(c.) For conveyance and delivery as an ordinary letter

and the Company and the Postmaster General will respectively do all such acts and things as may be necessary to enable such telephonic messages to be received at such post office and to be so transmitted conveyed and delivered as aforesaid.

(3.) Where and so long as telephonic communication is established between an exchange and a prescribed post office the Postmaster General will receive at such post office any message from an exchange subscriber calling for the service of a post office express messenger and the Company and the Postmaster General will respectively do all such acts and things as may be necessary to enable such messages to be received and to comply with such requests respectively.

(4.) Where and so long as telephonic communication is established between an exchange and a prescribed post office the Company shall if and when required by the Postmaster General and on such conditions as may from time to time be prescribed by him do all such acts and things as may be necessary to enable telegrams received at the prescribed post office over the postal telegraphs and addressed to an exchange subscriber to be telephonically transmitted (in lieu of delivery by messenger) through the medium of the exchange to the office of such subscriber provided such subscriber desires such transmission but the Postmaster General shall not be bound to transmit any such telegrams in manner aforesaid.

Post office
regulations.

7. The transmission of all telephonic messages over trunk wires of the Postmaster General or over any other postal telegraphs the receipt of telephonic messages at prescribed post offices in accordance with the provisions of this Indenture for the purposes therein specified the transmission and delivery of telephonic messages whether as telegrams or as letters and the supply of Post Office express messengers in compliance with telephonic messages in that behalf shall be subject in all respects both as to charges and otherwise to the regulations made by the Postmaster General with the consent of the Treasury and in force for the time being in respect to the several matters aforesaid and to such other rules and conditions not inconsistent with such regulations as the Postmaster General may from time to time prescribe.

Exchange
charges.

8.—(1.) Where a telephonic message is transmitted over the trunk wires of the Postmaster General between an office on an exchange of the Company and an office on an exchange of the Postmaster General such message shall be subject to the following charges in addition to the Postmaster General's charge for the use of the trunk wire that is to say :

(a.) Where the message originates on the Company's exchange to such charges (if any) as the Postmaster General may from time to time fix.

(b.) Where the message originates on the Postmaster General's exchange to such charges (if any) as the Company may from time to time fix.

(2.) Where a telephonic message is transmitted over the trunk wires of the Postmaster General between an office on an exchange of the Company and an office on an exchange of some licensee of the Postmaster General other than the Company such message shall be subject to the following charges in addition to the Postmaster General's charge for the use of the trunk wire that is to say :—

(a.) Where the message originates on the Company's exchange to such charges (if any) as such other licensee may from time to time fix and

(b.) Where the message originates on the exchange of such other licensee to such charges (if any) as the Company may from time to time fix.

Provided that except where the charges in this Article mentioned are fixed by the Postmaster General they shall in no case exceed the following charges (that is to say) :—

Where the Postmaster General's charge for the use of a trunk wire does not exceed eighteenpence a charge of threepence.

Where the Postmaster General's charge for the use of a trunk wire exceeds eighteenpence but does not exceed three shillings a charge of fourpence.

Where the Postmaster General's charge for the use of a trunk wire exceeds three shillings a charge of sixpence.

Repair and
renewal of
telephones.

9.—(1.) Where in establishing communication between an exchange of the Company and a prescribed post office the Company has erected any wires upon or supplied any wires or apparatus for use within such post office all such wires and apparatus shall be under the sole care and management of the Postmaster General but the Company

Company shall reimburse the Postmaster General the expense of all such repairs of such wires and apparatus as he in his discretion may think necessary from time to time and the Company shall at the request of the Postmaster General from time to time renew such apparatus.

(2.) The Postmaster General shall make no charge to the Company for working the wires and apparatus of the Company placed in prescribed post offices for the purpose of establishing telephonic communication with exchanges of the Company but where a prescribed post office or any Crown office is used as a call office on an exchange of the Company the Company shall make such payment by way of rent as may be agreed upon between the Postmaster General and the Company.

10.—(1.) Except where such sums as hereinafter mentioned are in the first instance paid at a prescribed post office or any other Crown office the Company shall pay to the Postmaster General all sums due to him in respect of telephonic messages transmitted through an exchange belonging to the Company to a prescribed post office and thence transmitted conveyed or delivered as telegrams or letters and in respect of the use of the Postmaster General's trunk wires and of communications with any subscriber on an exchange of the Postmaster General and of the services of Post Office express messengers rendered in pursuance of any such messages and shall also pay to the Postmaster General all sums due to any licensee of the Postmaster General other than the Company in respect of telephonic messages transmitted from an office on an exchange belonging to the Company over the trunk wires of the Postmaster General.

Collection of charges.

(2.) The Postmaster General shall collect and account to the Company for all charges payable at any call office established at a prescribed post office or at any Crown office so far as such charges relate to communications with subscribers to the exchange of the Company and the Postmaster General shall also collect and account to the Company for all sums payable by any subscriber on an exchange of the Postmaster General or by any licensee of the Postmaster General other than the Company in respect of telephonic messages transmitted from an office on an exchange of the Postmaster General or of such licensee to an office on an exchange of the Company but the Postmaster General shall not be responsible for any such charges or sums as aforesaid which he is unable to collect.

(3.) The Postmaster General shall allow to the Company and the Company shall allow to the Postmaster General (as the case may be) a commission of 5 per cent. upon all sums collected by the Postmaster General on behalf of the Company or paid by the Company to the Postmaster General as provided by this Article.

(4.) Any such sum of 5 per cent. may be deducted either by the Postmaster General or by the Company from any sums payable to the Company or to the Postmaster General as the case may be.

(5.) In reckoning the commission payable to the Company every telephonic message transmitted as a foreign telegram shall be reckoned as though it were an inland telegram not exceeding 12 words in length and the sum upon which commission is allowed to the Company in the case of a telephonic message transmitted to any place abroad shall be the sum to which the Postmaster General is entitled in respect of such message in account with any foreign government.

(6.) All accounts between the Postmaster General and the Company relating to the provisions of this Article shall be rendered and settled monthly and the first accounts shall be rendered at the expiration of the first calendar month after the appointed day and shall include the whole period which has elapsed from that day until the end of such month.

11. The Postmaster General will from time to time at the request of the Company authorise the Company to exercise within any exchange area specified by the Company all such powers of executing works (other than works under in upon over along or across any railway or canal) as are conferred upon the Postmaster General by the Telegraph Acts 1863 and 1878 and by Section 2 (but not by any other section) of the Telegraph Act 1892.

Authority to exercise wayleave powers.

Provided nevertheless as follows:—

(1.) Any authority given by the Postmaster General under this clause shall have effect only so long as this Indenture is in force and within such area only as is specified in the instrument giving or evidencing the grant of such authority.

(2.) In exercising such powers and executing such works the Company shall be subject to the several restrictions and provisions in the said Acts or either

of them contained and particularly and without prejudice to the generality of this provision the Company shall be subject to the provisions of the following sections of the said Acts that is to say Sections 42 and 48 to 52 inclusive of the Telegraph Act 1863 and Sections 5 and 7 of the Telegraph Act 1892.

- (3.) The Company shall not be entitled under the authority hereby conferred to exercise any power or enjoy any right benefit or advantage conferred upon the Postmaster General by the Telegraph Act 1863 the Telegraph Act 1878 or the Telegraph Act 1892 otherwise than in relation to the execution of works.
- (4.) Section 4 of the Telegraph Act 1892 shall not apply to the Company.
- (5.) Nothing in this Indenture shall be construed to give the Company any wayleave or right of way under in upon over along or across any railway or canal or any right to execute any work under in upon over along or across any railway or canal or to call upon the proprietors or lessees of any railway or canal or the directors or persons having the control thereof to execute any such work.

12. So long as this Indenture is in force the Postmaster General will in any case so far as it is practicable so to do (but not otherwise) at the request of the Company and upon such terms as may from time to time be agreed upon between the Postmaster General and the Company connect by means of underground wires any two or more exchanges of the Company situate in one and the same exchange area.

13. If and when within any exchange area of the Company the Postmaster General has given or shall hereafter give license and permission to the Company or to any railway or canal company to erect fix place appropriate and maintain any telegraphic lines of the Company on a railway or canal over which the Postmaster General has an exclusive wayleave for telegraphs the rent or royalty payable by the Company in respect of such erection fixing placing appropriation or maintenance shall be the sum of 1s. per annum for every mile of telegraph wire so erected fixed placed appropriated or maintained and the like sum for every fraction of a mile of such wire over and above a complete number of miles. Provided always that nothing in this Indenture contained shall be deemed to throw upon the Postmaster General any obligation to allow the erection fixing placing appropriation or maintenance of telegraphic lines of the Company on any such railway or canal as aforesaid it being the intent and meaning of these presents that the Postmaster General shall have and enjoy an absolute discretion to allow or refuse to allow such erection fixing placing appropriation or maintenance as aforesaid.

14. —(1.) The Heads of Arrangement dated 11th of August 1892 and signed or initialled by the Right Honourable Sir James Fergusson Her Majesty's then Postmaster General and His Grace the late Duke of Marlborough then chairman of the Company shall be deemed to be superseded by this Indenture and shall as from the date hereof cease to be of any force or effect.

(2.) All agreements subsisting between the Postmaster General and the Company in relation to the transmission of telephonic messages between any post office and offices on any exchange of the Company shall cease and determine as from the appointed day up to which date all accounts between the Postmaster General and the Company have been or are intended to be adjusted and settled.

(3.) All other agreements subsisting between the Postmaster General and the Company shall cease and determine so far as the same are inconsistent with the provisions of this Indenture but otherwise shall remain in full force and effect.

15. The Company and the Postmaster General shall from time to time do and execute or cause to be done and executed all such acts deeds and things whatsoever as may be required by the Postmaster General or the Company (as the case may be) to give effect to the covenants and agreements in this Indenture contained.

16. The Company shall not assign underlet or otherwise dispose of the benefit of the covenants herein contained or of any such covenants or the powers or authorities hereby granted or any of such powers or authorities without the consent in writing of the Postmaster General.

17. —(1.) In case any sum of money which ought to be paid by the Company to the Postmaster General under or by virtue of these presents shall be in arrear and unpaid for one calendar month after the time at which the same ought to be paid under

under or by virtue of the covenants herein contained or in case of any breach non-observance or non-performance by or on the part of the Company of any of the covenants (other than a covenant for the payment of money) or conditions herein contained and on the part of the Company to be observed and performed then and in any such case the Postmaster General may by writing under his seal revoke and determine these presents and the powers and authorities hereby granted and each and every of them and thereupon this Indenture and the said powers and authorities and each and every of them shall absolutely cease determine and become void.

(2.) Subject and without prejudice to the proviso for determination hereinbefore contained this Indenture shall (save so far as relates to the sale of trunk wire referred to in Article 2) remain in force so long as the Indenture of 1885 is in force and no longer and upon the determination by any means of the powers and authorities granted by the Indenture of 1885 the powers and authorities hereby granted shall absolutely cease and determine and the provisions of this Indenture shall cease to have effect.

(3.) The purchase by the Postmaster General of the business of the Company to which the Indenture of 1885 relates (whether under the provision in that behalf contained in the Indenture of 1885 or otherwise) shall be deemed to be a determination within the meaning of this Indenture of the powers and authorities granted by the Indenture of 1885 and upon any such purchase the powers and authorities hereby granted and the benefit of the covenants herein contained with reference to the execution of works by the Company or by the Postmaster General for the purposes of the Company (all which matters are the subject of Articles 11 to 13 of this Indenture) shall not be deemed to be property of the Company for the purpose of such purchase but all such powers authorities and benefit shall nevertheless absolutely cease and determine upon the completion of such purchase. Provided nevertheless that for the purpose of such purchase the Company shall be deemed to have all such powers and rights with reference to the execution of works as were vested in or could or might be lawfully exercised by the Company prior to the execution of this Indenture.

(4.) No revocation or determination of this Indenture or of the powers and authorities hereby granted shall prejudice or affect any right of action or remedy which shall have accrued at the date of such revocation or determination or shall thereafter accrue to either of the parties hereto under the covenants herein contained.

18. Nothing in these presents contained shall prejudice or affect the right of the Postmaster General from time to time to establish extend maintain and work any system or systems of telegraphic communication (whether of a like nature to the aforesaid business of the Company or otherwise) in such manner as he shall in his discretion think fit neither shall anything herein contained prejudice or affect the right of the Postmaster General from time to time to enter into agreements for or to grant licences relative to the working and user of telegraphs (whether of a like nature to those worked and used by the Company or otherwise) or the transmission of telegrams in any part of the United Kingdom with or to any company person or persons whomsoever upon such terms and whether with or without authority to exercise the powers in section 5 of the Telegraph Act 1892 referred to as he shall in his discretion think fit And (save as in this Indenture provided) nothing herein contained shall be deemed to authorise the Company to exercise any of the powers or authorities conferred on or acquired by the Postmaster General by or under the Telegraph Acts or any of them.

Agreement not to
affect Postmaster
General's rights.

19. Any notice request consent or approval (whether expressed to be in writing or not) to be given or expressed by the Postmaster General under these presents may be under the hand of any one of the Secretaries or Assistant Secretaries for the time being of the Post Office and may be served or given by sending the same by registered post letter to the Company addressed to them at their registered office and any notice to be given by the Company under these presents may be under their common seal or under the hand of their Secretary and may be served by sending the same by registered post letter addressed to the Secretary of the Post Office at the General Post Office London.

Notices.

In witness whereof the above named Postmaster General hath hereunto set his hand and seal and the Company have caused their common seal to be hereunto affixed the day and year first above written.

SCHEDULES.

THE FIRST SCHEDULE BEFORE REFERRED TO.

LICENCE TO TRANSACT TELEPHONE BUSINESS.

Indenture dated the 9th day of May 1890 and made between Her Majesty's then Postmaster General of the one part and the Mutual Telephone Company Limited of the other part.

THE SECOND SCHEDULE BEFORE REFERRED TO.

EXCHANGE AREAS.

General Notes.

Where two areas named in this schedule overlap one another, offices in the space common to both areas may be placed on an exchange in either area, but not on exchanges in both areas.

If in any case there is any discrepancy between the description of an area and the area as shown on the accompanying map the boundary is to be as shown on the map.

PART I.

The administrative county of London (including the City) with the adjoining area, as defined by a red line on the accompanying map marked "London."

The London area includes the following among other places, viz., the county boroughs of Croydon and West Ham, the municipal boroughs of Reigate, Richmond (Surrey), and Kingston-on-Thames, and the urban districts of Brentford, Chiswick, Acton, Willesden, Ealing, Tottenham, Hanwell, Harrow, Waltham Holy Cross, Walthamstow, Woodford, Ilford, Enfield, Romford, Barking Town, Grays, Bexley, Bromley, Beckenham, Surbiton, East Molesey, Epsom and Sutton.

PART II.

ENGLAND AND WALES.

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
1. Tilbury - -	The municipal borough of Southend-on-Sea with the adjoining area, including Tilbury on one side and Shoeburyness on the other, as defined by a red line on the accompanying map No. 1.	
2. Gravesend - -	The municipal borough of Gravesend and the urban districts of Dartford and Northfleet with the adjoining area, as defined by a red line on the accompanying map No. 2.	
3. Chatham - -	The municipal borough of Chatham and the City of Rochester with the adjoining area as defined by a red line on the accompanying map No. 3.	
4. Maidstone - -	The municipal borough of Maidstone with the adjoining area, as defined by a red line on the accompanying map No. 4.	
5. Tunbridge Wells -	The municipal borough of Tunbridge Wells, and the urban district of Tonbridge with the adjoining area, as defined by a red line on the accompanying map No. 5.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
6. Canterbury -	The city of Canterbury, the municipal borough of Faversham and the urban districts of Herne Bay and Ashford with the adjoining area, as defined by a red line on the accompanying map No. 6.	
7. Ramsgate -	The municipal boroughs of Ramsgate and Margate with the adjoining area, as defined by a red line on the accompanying map No. 7.	
8. Deal -	The municipal boroughs of Deal and Sandwich and the urban district of Walmer with the adjoining area, as defined by a red line on the accompanying map No. 8.	
9. Folkestone -	The municipal boroughs of Dover, Folkestone and Hythe and the urban district of Sandgate with the adjoining area, as defined by a red line on accompanying map No. 9.	
10. Hastings -	The county borough of Hastings with the adjoining area, as defined by a red line on the accompanying map No. 10.	
11. Eastbourne -	The municipal borough of Eastbourne with the adjoining area, as defined by a red line on the accompanying map No. 11.	
12. Lewes -	The municipal borough of Lewes and the urban districts of Newhaven and Seaford with the adjoining area, as defined by a red line on the accompanying map No. 12.	
13. Brighton -	The county borough of Brighton and the urban district of New Shoreham with the adjoining area, as defined by a red line on the accompanying map No. 13.	
14. Worthing -	The municipal borough of Worthing with the adjoining area, as defined by a red line on the accompanying map No. 14.	
15. Winchester -	The city of Winchester, with the adjoining area, as defined by a red line on the accompanying map No. 15.	
16. Portsmouth	The county borough of Portsmouth and the urban districts of Gosport and Alverstoke and Fareham with the adjoining area, as defined by a red line on the accompanying map No. 16.	
17. Isle of Wight	The whole of the Isle of Wight. Map No. 17.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
18. Southampton	- The county borough of Southampton with the adjoining area, including Bishopstoke, as defined by a red line on the accompanying map No. 18.	
19. Salisbury	- The city of Salisbury, and the municipal boroughs of Wilton and Romsey with the adjoining area, including Amesbury and Fordingbridge, as defined by a red line on the accompanying map No. 19.	
20. Bournemouth	- The municipal boroughs of Bournemouth, Christchurch, and Poole with the adjoining area, as defined by a red line on the accompanying map No. 20.	
21. Weymouth	- The municipal boroughs of Weymouth and-Melcombe Regis, and Dorchester, as defined by a red line on the accompanying map No. 21.	
22. Exeter	- The city of Exeter and the urban districts of Crediton and Exmouth with the adjoining area, as defined by a red line on the accompanying map No. 22.	
23. Torquay	- The municipal borough of Torquay and the urban districts of Lower Brixham, Teignmouth, Paignton, and Dawlish with the adjoining area, including Newton Abbot, as defined by a red line on the accompanying map No. 23.	
24. Totnes	- The municipal boroughs of Totnes and Dartmouth with the adjoining area, including Ashburton, as defined by a red line on the accompanying map No. 24.	
25. Plymouth	- The county boroughs of Plymouth and Devonport, the municipal borough of Saltash, and the urban districts of Stonehouse and Ivybridge, with the adjoining area, as defined by a red line on the accompanying map No. 25.	
26. Falmouth	- The city of Truro and the municipal boroughs of Falmouth and Penryn with the adjoining area, as defined by a red line on the accompanying map No. 26.	
27. Redruth	- The municipal borough of Helston and the urban districts of Redruth and Camborne with the adjoining area, as defined by a red line on the accompanying map No. 27.	
28. Penzance	- The municipal boroughs of Penzance and St. Ives and the urban district of Hayle with the adjoining area, as defined by a red line on the accompanying map No. 28.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
29. Weston-super-Mare.	The urban district of Weston-super-Mare with the adjoining area, as defined by a red line on the accompanying map No. 29.	
30. Bristol - -	The city of Bristol and the urban district of Clevedon with the adjoining area, as defined by a red line on the accompanying map No. 30.	
31. Bath - - -	The city of Bath with the adjoining area, as defined by a red line on the accompanying map No. 31.	
32. Swindon - -	The urban districts of Old Swindon and Swindon New Town with the adjoining area, including Wootton Bassett, as defined by a red line on the accompanying map No. 32.	
33. Reading - -	The county borough of Reading and the municipal borough of Henley-on-Thames with the adjoining area, as defined by a red line on the accompanying map No. 33.	
34. Guildford - -	The municipal boroughs of Guildford and Godalming and the urban districts of Aldershot and Farnham with the adjoining area, as defined by a red line on the accompanying map No. 34.	
35. Leatherhead -	The urban district of Dorking with the adjoining area, including Leatherhead, as defined by a red line on the accompanying map No. 35.	
36. Watford - -	The urban district of Watford with the adjoining area, including Bushey, Rickmansworth and Elstree, as defined by a red line on the accompanying map No. 36.	
37. Windsor - -	The municipal boroughs of New Windsor and Maidenhead, and the urban districts of Staines, Slough and Eton with the adjoining area, including Great Marlow and Little Marlow on one side and Feltham on the other, as defined by a red line on the accompanying map No. 37.	
38. Oxford - -	The city of Oxford with the adjoining area, as defined by a red line on the accompanying map No. 38.	
39. Cheltenham -	The municipal borough of Cheltenham and the urban district of Leckhampton with the adjoining area, as defined by a red line on the accompanying map No. 39.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
40. Tewkesbury -	The municipal borough of Tewkesbury with the adjoining area, as defined by a red line on the accompanying map No. 40.	
41. Gloucester -	The city of Gloucester and the urban district of Stroud with the adjoining area, including Minchinhampton and Horsley, as defined by a red line on the accompanying map No. 41.	
42. Sharpness -	The towns or places of Sharpness, Berkeley, Dursley, and Wotton-under-Edge, with the adjoining area, as defined by a red line on the accompanying map No. 42.	
43. Lydney -	The urban district of Coleford with the adjoining area, including Lydney, as defined by a red line on the accompanying map No. 43.	
44. Chepstow -	The urban district of Chepstow with the adjoining area, as defined by a red line on the accompanying map No. 44.	
45. Abergavenny -	The urban district of Abergavenny with the adjoining area, as defined by a red line on the accompanying map No. 45.	
46. Newport -	The county borough of Newport (Mon.), and the urban district of Risca with the adjoining area, as defined by a red line on the accompanying map No. 46.	
47. Pontypool -	The urban districts of Pontypool, Rhymney, Ebbw Vale, Bedwelty, Blaenavon, Tredegar, Brynmawr, and Upper Llanfrechfa, with the adjoining area, as defined by a red line on the accompanying map No. 47.	
48. Merthyr Tydvil -	The urban districts of Merthyr Tydvil, Aberdare, and Mountain Ash with the adjoining area, as defined by a red line on the accompanying map No. 48.	
49. Pontypridd -	The urban districts of Pontypridd and Ystradyfodwg with the adjoining area, including Caerphilly and Llantrissant, as defined by a red line on the accompanying map No. 49.	
50. Cowbridge -	The municipal borough of Cowbridge with the adjoining area, as defined by a red line on the accompanying map No. 50.	
51. Cardiff -	The county borough of Cardiff and the urban districts of Penarth and Barry and Cadoxton, with the adjoining area, as defined by a red line on the accompanying map No. 51.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
52. Bridgend - -	The urban districts of Bridgend and Maesteg with the adjoining area, as defined by a red line on the accompanying map No. 52.	
53. Briton Ferry - -	The municipal boroughs of Neath and Aberavon, and the urban district of Briton Ferry with the adjoining area, as defined by a red line on the accompanying map No. 53.	
54. Swansea - -	The county borough of Swansea with the adjoining area, as defined by a red line on the accompanying map No. 54.	
55. Llanelly - -	The urban district of Llanelly with the adjoining area, as defined by a red line on the accompanying map No. 55.	
56. Llandudno - -	The urban district of Llandudno and the municipal borough of Conway with the adjoining area, as defined by a red line on the accompanying map No. 56.	
57. Rhyl - - -	The municipal borough of Denbigh and the urban districts of Rhyl and Abergelle-and-Pensarn with the adjoining area, including the city of St. Asaph and Rhuddlan, as defined by a red line on the accompanying map No. 57.	
58. Chester - -	The city of Chester with the adjoining area, as defined by a red line on the accompanying map No. 58.	
59. Wrexham - -	The municipal borough of Wrexham, and the urban district of Llangollen with the adjoining area, including Ruabon, as defined by a red line on the accompanying map No. 59.	
60. Shrewsbury - -	The municipal borough of Shrewsbury with the adjoining area, as defined by a red line on the accompanying map No. 60.	
61. Worcester - -	The city of Worcester, the municipal borough of Droitwich, and the urban district of Malvern with the adjoining area, as defined by a red line on the accompanying map No. 61.	
62. Kidderminster - -	The municipal boroughs of Kidderminster and Bewdley, and the urban district of Stourport with the adjoining area, including Churchill, as defined by a red line on the accompanying map No. 62.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
63. Birmingham -	The city of Birmingham, the county borough of West Bromwich, the municipal borough of Sutton Coldfield, and the urban districts of Bromsgrove (town and country), and Oldbury, with the adjoining area, including Knowle, as defined by a red line on the accompanying map No. 63.	Existing subscribers who have, at the date of this Agreement, entered into contracts with the Company for the use of the telephone system within the whole of the existing area, i.e., the whole of the four proposed areas, are to be allowed to communicate by means of the Company's exchange and trunk wires with any office on an exchange in any one of the areas 63 to 66.
64. Walsall - -	The county borough of Walsall, the municipal borough of Wednesbury, and the urban districts of Wednesfield, Willenhall, and Darlaston, with the adjoining area, including Pelsall, Walsall Wood, and Great Barr, as defined by a red line on the accompanying map No. 64.	With this view the existing trunk wires connecting the four areas are to be left in the Company's possession on the understanding that when they are no longer required for the purposes of this exceptional arrangement they will only be used as ordinary exchange wires or as private wires.
65. Dudley - -	The county borough of Dudley, and the urban districts of Brierley Hill and Tipton, with the adjoining area, including Halesowen and Lower Hagley, as defined by a red line on the accompanying map No. 65.	All subscribers to an exchange in any of the four areas, other than existing subscribers, shall be entitled to communicate by means of the Company's wires with offices on an exchange in one of the four areas only, and shall be required to use the trunk wires of the Post Office for communicating with the other areas, and to pay the Post Office at the prescribed rates; but until the department's trunk wires are ready for use the Company may afford to such persons facilities for speaking between all four areas, and may retain the charges for such service.
66. Wolverhampton -	The county borough of Wolverhampton, and the urban districts of Bilston, Tettenhall, and Sedgley, with the adjoining area including Bushbury, as defined by a red line on the accompanying map No. 66.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
67. Tamworth -	The municipal borough of Tamworth with the adjoining area, as defined by a red line on the accompanying map No. 67.	
68. Coventry -	The county borough of Coventry, and the urban districts of Nuneaton, Chilvers Coton, and Kenilworth, with the adjoining area, as defined by a red line on the accompanying map No. 68.	
69. Warwick -	The municipal boroughs of Warwick and Royal Leamington Spa (Leamington), and the urban district of Kenilworth, with the adjoining area, including Hatton and Haseley, as defined by a red line on the accompanying map No. 69.	The Coventry area overlaps the Warwick area, so that Kenilworth is common to both areas as indicated in the respective maps of the two areas.
70. Rugby -	The urban district of Rugby, with the adjoining area, including Lutterworth, as defined by a red line on the accompanying map No. 70.	
71. Hinckley -	The urban district of Hinckley with the adjoining area, as defined by a red line on the accompanying map No. 71.	
72. Loughborough -	The municipal borough of Loughborough, and the urban district of Quorndon, with the adjoining area, as defined by a red line on the accompanying map No. 72.	
73. Leicester -	The county borough of Leicester with the adjoining area, as defined by a red line on the accompanying map No. 73.	
74. Northampton -	The county borough of Northampton, and the urban districts of Kettering and Wellingborough, with the adjoining area, as defined by a red line on the accompanying map No. 74.	
75. Cambridge -	The municipal borough of Cambridge with the adjoining area, as defined by a red line on the accompanying map No. 75.	
76. Newmarket -	The urban district of Newmarket with the adjoining area, as defined by a red line on the accompanying map No. 76.	
77. Chelmsford -	The municipal boroughs of Chelmsford and Maldon, and the urban district of Witham, with the adjoining area, as defined by a red line on the accompanying map No. 77.	
78. Colchester -	The municipal borough of Colchester with the adjoining area, including Nayland, Wivenhoe, and Brightlingsea, as defined by a red line on the accompanying map No. 78.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
79. Ipswich - -	The county borough of Ipswich, and the urban districts of Stowmarket, Felixstowe, and Walton, with the adjoining area, as defined by a red line on the accompanying map No. 79.	
80. Great Yarmouth -	The county borough of Great Yarmouth and the municipal borough of Lowestoft, with the adjoining area, as defined by a red line on the accompanying map No. 80.	
81. Norwich - -	The city of Norwich with the adjoining area, as defined by a red line on the accompanying map No. 81.	
82. King's Lynn -	The municipal borough of King's Lynn with the adjoining area, as defined by a red line on the accompanying map No. 82.	
83. Peterborough -	The city of Peterborough, and the urban district of Whittlesey, with the adjoining area, as defined by a red line on the accompanying map No. 83.	
84. Nottingham -	The county borough of Nottingham, the municipal borough of Ilkeston, and the urban districts of Long Eaton and Hucknall Torkard, with the adjoining area, including Bulwell, Woodborough, and Bingham, as defined by a red line on the accompanying map No. 84.	
85. Grantham - -	The municipal boroughs of Grantham and Newark with the adjoining area, including Southwell, as defined by a red line on the accompanying map No. 85.	
86. Lincoln - -	The city of Lincoln with the adjoining area, as defined by a red line on the accompanying map No. 86.	
87. Gainsborough -	The urban district of Gainsborough with the adjoining area, as defined by a red line on the accompanying map No. 87.	
88. Worksop - -	The urban district of Worksop, and the municipal borough of East Retford, with the adjoining area, as defined by a red line on the accompanying map No. 88.	
89. Mansfield - -	The municipal borough of Mansfield, and the urban districts of Mansfield-Woodhouse, and Sutton-in-Ashfield, with the adjoining area, as defined by a red line on the accompanying map No. 89.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
90. Derby - -	The county borough of Derby, and the urban district of Belper, with the adjoining area, including Spondon, as defined by a red line on the accompanying map No. 90.	
91. Burton-on-Trent -	The municipal borough of Burton-on-Trent, and the urban district of Ashby-de-la-Zouch, with the adjoining area, as defined by a red line on the accompanying map No. 91.	
92. Stafford - -	The municipal borough of Stafford with the adjoining area, including Brocton Penkridge, and Dunston, as defined by a red line on the accompanying map No. 92.	
93. Stone - - -	The urban district of Stone with the adjoining area, as defined by a red line on the accompanying map No. 93.	
94. "The Potteries" -	The county borough of Hanley, the municipal boroughs of Stoke-upon-Trent, Newcastle-under-Lyme, Burslem, Congleton, and Longton, and the urban district of Tunstall, with the adjoining area, as defined by a red line on the accompanying map No. 94.	
95. Leek - - -	The urban district of Leek with the adjoining area, as defined by a red line on the accompanying map No. 95.	
96. Macclesfield -	The municipal borough of Macclesfield with the adjoining area, as defined by a red line on the accompanying map No. 96.	
97. Crewe - -	The municipal borough of Crewe and the urban districts of Nantwich and Sandbach, with the adjoining area, as defined by a red line on the accompanying map No. 97.	
98. Middlewich -	The urban districts of Middlewich, Northwich, and Winsford, with the adjoining area, as defined by a red line on the accompanying map No. 98.	
99. Runcorn - -	The municipal borough of Widnes, and the urban district of Runcorn, with the adjoining area, including Frodsham and Ince, as defined by a red line on the accompanying map No. 99.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
100. Liverpool -	The city of Liverpool, the county boroughs of Birkenhead and Bootle, and the urban districts of Walton-on-the-Hill, West Derby, Wallasey, Much Woolton, Childwall, West Kirby and Hoylake, Neston and Parkgate, Bromborough, Lower Bebington, Wavertree and Huyton, with the adjoining area, as defined by a red line on the accompanying map No. 100.	The Liverpool area overlaps the St. Helen's area, so that Huyton is common to both areas, as indicated in the respective maps of the two areas.
101. St. Helen's -	The county borough of St. Helen's, and the urban districts of Prescot and Huyton, with the adjoining area, as defined by a red line on the accompanying map No. 101.	
102. Ormskirk -	The municipal borough of Southport, and the urban districts of Ormskirk, Skelmersdale, Birkdale, and Lathom, with the adjoining area, as defined by a red line on the accompanying map No. 102.	
103. Blackpool	The municipal borough of Blackpool, and the urban districts of Fleetwood and Lytham, with the adjoining area, as defined by a red line on the accompanying map No. 103.	
104. Preston -	The county borough of Preston, and the urban districts of Kirkham, Fulwood, Leyland, and Walton-le-Dale, with the adjoining area, as defined by a red line on the accompanying map No. 104.	
105. Blackburn	The county borough of Blackburn, the municipal boroughs of Clitheroe, Chorley, Darwen, and Accrington, and the urban districts of Clayton-le-Moors, Church, Oswaldtwistle, Longridge, Rishton, Withnell, and Adlington, with the adjoining area, as defined by a red line on the accompanying map No. 105.	
106. Bolton -	The county borough of Bolton, and the urban districts of Farnworth, Kearsley, Atherton, Tyldesley-with-Shakerley, West Houghton, Leigh, Horwich, Turton, and Little Lever, with the adjoining area, as defined by a red line on the accompanying map No. 106.	
107. Wigan -	The county borough of Wigan, and the urban districts of Newton-in-Makerfield, Orrell, Standish-with-Langtree, and Ashton-in-Makerfield, with the adjoining area, as defined by a red line on the accompanying map No. 107.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
108. Warrington -	The municipal borough of Warrington, with the adjoining area, as defined by a red line on the accompanying map No. 108.	
109. Stockport -	The county borough of Stockport, and the urban districts of Marple and New Mills, with the adjoining area, as defined by a red line on the accompanying map No. 109.	The Stockport area overlaps the Ashton - under - Lyne area, as indicated in the respective maps of the two areas.
110. Ashton-under-Lyne.	The municipal boroughs of Ashton-under-Lyne, Mossley, Hyde and Stalybridge, and the urban districts of Dukinfield, Mottram-in-Longden- dale, and Denton and Haughton, with the adjoining area, as defined by a red line on the accompanying map No. 110.	The Ashton-under-Lyne area overlaps the Stockport, Glossop, Oldham, and Manchester areas, as indicated in the respective maps of the five areas.
111. Glossop -	The municipal borough of Glossop, with the adjoining area, as defined by a red line on the accompanying map No. 111.	The Glossop area overlaps the Ashton - under - Lyne area, as indicated in the respective maps of the two areas.
112. Oldham -	The county borough of Oldham, the municipal borough of Middleton, and the urban district of Royton, with the adjoining area, as defined by a red line on the accompanying map No. 112.	The Oldham area overlaps the Ashton - under - Lyne and Rochdale areas, as indicated in the respective maps of the three areas.
113. Rochdale -	The county borough of Rochdale, the municipal borough of Heywood, and the urban districts of Littleborough, Milnrow, and Whitworth, with the adjoining area, as defined by a red line on the accompanying map No. 113.	The Rochdale area overlaps the Oldham area, as indicated in the respective maps of the two areas.
114. Manchester -	The city of Manchester, the county borough of Salford, the municipal borough of Eccles, and the urban districts of Altrincham, Bowdon, Stretford, Wilmslow, and Cheadle-and-Gatley, with the adjoining area, including Handforth, as defined by a red line on the accompanying map No. 114.	The Manchester area overlaps the Ashton-under-Lyne and Bury areas, as indicated in the respective maps of the three areas.
115. Bury -	The county borough of Bury, and the urban districts of Ramsbottom, Whitefield and Radcliffe, with the adjoining area, as defined by a red line on the accompanying map No. 115.	The Bury area overlaps the Manchester area, as indicated in the respective maps of the two areas.

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
116. Bacup - -	The municipal boroughs of Bacup, Haslingden, and Rawtenstall, with the adjoining area, as defined by a red line on the accompanying map No. 116.	
117. Burnley - -	The county borough of Burnley, the municipal borough of Nelson, and the urban districts of Holme, Todmorden, Padiham-and-Hapton Brierfield and Colne-and-Marsden, with the adjoining area, as defined by a red line on the accompanying map No. 117.	
118. Buxton - -	The urban district of Buxton, with the adjoining area, including Chapel-en-le-Frith, as defined by a red line on the accompanying map No. 118.	
119. Chesterfield -	The municipal borough of Chesterfield, and the urban districts of Clay Cross, Bakewell, Baslow-and-Bubnell, Whittington and Bolsover, with the adjoining area, as defined by a red line on the accompanying map No. 119.	
120. Sheffield - -	The city of Sheffield, the municipal borough of Rotherham and the urban districts of Dronfield, Handsworth, Mexborough, and Hoyland-Nether, with the adjoining area, as defined by a red line on the accompanying map No. 120.	
121. Barnsley - -	The municipal borough of Barnsley and the urban districts of Monk Bretton, Wombwell and Worsborough, with the adjoining area, as defined by a red line on the accompanying map No. 121.	
122. Penistone -	The urban districts of Penistone and Denby, with the adjoining area, as defined by a red line on the accompanying map No. 122.	
123. Huddersfield -	The county borough of Huddersfield and the urban districts of Kirkheaton, Kirkburton, Holmfirth, Skelmanthorpe, Netherthorpe, South Crosland, Farnley Tyas, Honley, Shepley, Shelley, Thurstonsland, Cumberworth and Cumberworth half (upper division), Slaithwaite, Meltham, Golcar, Linthwaite, Rastrick, Brighouse and Elland, with the adjoining area, as defined by a red line on the accompanying map No. 123.	
124. Halifax - -	The county borough of Halifax and the urban districts of South Oram, Sowerby, Sowerby Bridge, Luddenden Foot, Mytholmroyd, Hebden Bridge and Elland, with the adjoining area, including Heptonstall, as defined by a red line on the accompanying map No. 124.	The Huddersfield area overlaps the Halifax area, as indicated in the respective maps of the two areas, so that Elland is common to both areas.

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
125. Dewsbury -	The municipal boroughs of Dewsbury, Ossett, and Batley, and the urban districts of Liversedge, Heckmondwike, Mirfield, Thornhill, Birstal, Birkenshaw and Cleckheaton, with the adjoining area, as defined by a red line on the accompanying map No. 125.	
126. Wakefield -	The municipal boroughs of Wakefield and Pontefract and the urban districts of Knottingley, Featherstone, Sandal Magna, Horbury, Normanton and Castleford with the adjoining area, as defined by a red line on the accompanying map No. 126.	
127. Leeds -	The city of Leeds, the municipal borough of Morley and the urban districts of Drighlington, Tong, Gildersome, Methley, Ilkley, Otley, Rawdon and Guiseley with the adjoining area, as defined by a red line on the accompanying map No. 127.	The Leeds area overlaps the Bradford area in such a manner that Ilkley, Rawdon, Otley, Guiseley, and Staningley, are common to both areas, as indicated in the respective maps of the two areas.
128. Bradford -	The county borough of Bradford, the municipal borough of Keighley and the urban districts of Bingley, Calverley, Skipton, Haworth, Shipley, Thornton, Baildon, Ilkley, Otley, Rawdon and Guiseley with the adjoining area, as defined by a red line on the accompanying map No. 128.	
129. Harrogate -	The municipal borough of Harrogate, the city of Ripon and the urban districts of Knaresborough and Tentergate, with the adjoining area, including Boroughbridge and Ripley, as defined by a red line on the accompanying map No. 129.	
130. Thirsk -	The town of Thirsk and the urban districts of Wath upon-Deane and Kirklington cum-Upsland with the adjoining area, as defined by a red line on the accompanying map No. 130.	
131. Tadcaster -	The towns or places of Tadcaster, Wetherby, Aberford and Sherburn with the adjoining area, as defined by a red line on the accompanying map No. 131.	
132. Goole -	The urban district of Goole with the adjoining area, including Snaith and Rawcliff, as defined by a red line on the accompanying map No. 132.	
133. Doncaster -	The municipal borough of Doncaster with the adjoining area, as defined by a red line on the accompanying map No. 133.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
134. Great Grimsby -	The county borough of Great Grimsby with the adjoining area, as defined by a red line on the accompanying map No. 134.	
135. Hull - - -	The county borough of Kingston-upon-Hull, the municipal boroughs of Beverley and Heden and the urban district of Cottingham with the adjoining area, as defined by a red line on the accompanying map No. 135.	
136. York - - -	The city of York and the urban district of Skelton and Brotton with the adjoining area, as defined by a red line on the accompanying map No. 136.	
137. New Malton -	The urban districts of Malton, Pickering and Normanby with the adjoining area, including Kirkby Moorside, Helmsley and High Hutton, as defined by a red line on the accompanying map No. 137.	
138. Scarborough -	The municipal borough of Scarborough and the urban district of Filey with the adjoining area, as defined by a red line on the accompanying map No. 138.	
139. Whitby - - -	The urban district of Whitby with the adjoining area, as defined by a red line on the accompanying map No. 139.	
140. Middlesbrough (including Stockton)	The county borough of Middlesbrough, the municipal borough of Stockton-on-Tees, and the urban districts of Guisbrough and Ormsby with the adjoining area, including Stokesley and Yarm, as defined by a red line on the accompanying map No. 140.	
141. Hartlepool -	The municipal boroughs of Hartlepool and West Hartlepool with the adjoining area, as defined by a red line on the accompanying map No. 141.	
142. Darlington -	The municipal borough of Darlington with the adjoining area, as defined by a red line on the accompanying map No. 142.	
143. Northallerton -	The urban district of Northallerton with the adjoining area, as defined by a red line on the accompanying map No. 143.	
144. Richmond (Yorks)	The municipal borough of Richmond (Yorks) with the adjoining area, including Reeth, as defined by a red line on the accompanying map No. 144.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
145. Lancaster - -	The municipal borough of Lancaster and the urban district of Morecambe, with the adjoining area, as defined by a red line on the accompanying map No. 145.	
146. Kendal - -	The municipal borough of Kendal, and the urban districts of Ambleside, Bowness, Windermere, and Kirkby Lonsdale, with the adjoining area, as defined by a red line on the accompanying map No. 146.	
147. Barrow - Ulverston.	The county borough of Barrow-in-Furness, and the urban districts of Dalton-in-Furness and Ulverston, with the adjoining area, as defined by a red line on the accompanying map No. 147.	
148. Isle of Man -	The whole of the Isle of Man. Map No. 148.	
149. Whitehaven -	The urban districts of Whitehaven, Egremont, Harrington, Arlecdon-and-Frizington and Cleator Moor, with the adjoining area, as defined by a red line on the accompanying map No. 149.	
150. Cockermouth -	The municipal borough of Workington, and the urban district of Cockermouth, with the adjoining area, as defined by a red line on the accompanying map No. 150.	
151. Maryport - -	The urban districts of Maryport and Aspatria, with the adjoining area, as defined by a red line on the accompanying map No. 151.	
152. Carlisle - -	The city of Carlisle, and the urban district of Wigton, with the adjoining area, as defined by a red line on the accompanying map No. 152.	
153. Hexham - -	The urban district of Hexham, with the adjoining area, including Corbridge, as defined by a red line on the accompanying map No. 153.	
154. Consett - -	The urban district of Consett with the adjoining area, as defined by a red line on the accompanying map No. 154.	
155. Bishop Auckland	The urban district of Bishop Auckland with the adjoining area, as defined by a red line on the accompany map No. 155.	
156. Durham - -	The city of Durham with the adjoining area, as defined by a red line on the accompanying map No. 156.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
157. Sunderland	The county borough of Sunderland, and the urban districts of Seaham Harbour and Houghton le-Spring, with the adjoining area, as defined by a red line on the accompanying map No. 157.	The Gateshead area overlaps the Newcastle-upon-Tyne area, as indicated in the respective maps of the two areas, so that Gateshead is common to both areas.
158. Gateshead	The county borough of Gateshead with the adjoining area, including Chester-le-Street, as defined by a red line on the accompanying map No. 158.	
159. Newcastle-upon-Tyne.	The city of Newcastle-upon-Tyne, the county borough of Gateshead, and the urban districts of Wallsend and South Gosforth, with the adjoining area, as defined by a red line on the accompanying map No. 159.	
160. North Shields	The municipal borough of Tynemouth, and the urban district of Whitley and Monkseaton, with the adjoining area, as defined by a red line on the accompanying map No. 160.	
161. South Shields	The county borough of South Shields and the municipal borough of Jarrow with the adjoining area, as defined by a red line on the accompanying map No. 161.	
162. Blyth	The town of Blyth with the adjoining area, including Bedlington, as defined by a red line on the accompanying map No. 162.	
163. Morpeth	The municipal borough of Morpeth with the adjoining area, as defined by a red line on the accompanying map No. 163.	
164. Alnwick	The urban district of Alnwick and Canongate with the adjoining area, as defined by a red line on the accompanying map No. 164.	
165. Berwick - upon-Tweed.	The county of the borough and town of Berwick-upon-Tweed with the adjoining area, as defined by a red line on the accompanying map No. 165.	

SCOTLAND.

166. Langholm	The town of Langholm with the adjoining area, as defined by a red line on the accompanying map No. 166.
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Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
167. Dumfries - -	The Royal and parliamentary burghs of Dumfries, Lochmaben and Annan, and the police burgh of Lockerbie, with the adjoining area, including Ecclefechan and Dornock, as defined by a red line on the accompanying map No. 167.	
168. Sanquhar - .	The Royal and parliamentary burgh of Sanquhar with the adjoining area, as defined by a red line on the accompanying map No. 168.	
169. Moffat - -	The police burgh of Moffat with the adjoining area, as defined by a red line on the accompanying map No. 169.	
170. Galashiels -	The Royal and parliamentary burgh of Selkirk, the parliamentary burghs of Galashiels and Hawick, the Royal burghs of Peebles and Jedburgh, and the police burgh of Kelso, with the adjoining area, including Melrose, as defined by a red line on the accompanying map No. 170.	
171. Lanark - -	The Royal and parliamentary burgh of Lanark, with the adjoining area, as defined by a red line on the accompanying map No. 171.	
172. Catrine - -	The town of Catrine and the police burgh of Cumnock-and-Holmhead, with the adjoining area, as defined by a red line on the accompanying map No. 172.	
173. Kilmarnock -	The Royal and parliamentary burghs of Ayr and Irvine, the parliamentary burgh of Kilmarnock, the police burghs of Ardrossan, Saltcoats, Stewarton, and Kilwinning, with the adjoining area, as defined by a red line on the accompanying map No. 173.	
174. Beith - -	The towns of Beith and Dalry with the adjoining area, as defined by a red line on the accompanying map No. 174.	
175. Largs - -	The police burgh of Largs, with the adjoining area, as defined by a red line on the accompanying map No. 175.	
176. Rothesay - -	The whole of the Island of Bute. Map No. 176.	
177. Greenock - -	The parliamentary burghs of Greenock and Port Glasgow with the adjoining area, as defined by a red line on the accompanying map No. 177.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
178. Helensburgh	The Royal and Parliamentary burgh of Dumbarton, and the police burghs of Helensburgh and Cove and Kilreggan with the adjoining area, including Ballock, as defined by a red line on the accompanying map No. 178.	
179. Paisley -	The Royal and Parliamentary burgh of Renfrew, the Parliamentary burgh of Paisley, and the police burghs of Johnstone and Barrhead, with the adjoining area, as defined by a red line on the accompanying map No. 179.	
180. Glasgow -	The Royal and Parliamentary burghs of Glasgow and Rutherglen, and the police burghs of Govan, Pollockshaws, and Partick, with the adjoining area, including Kirkintilloch and Cambuslang, as defined by a red line on the accompanying map No. 180.	
181. Hamilton -	The Parliamentary burghs of Hamilton and Airdrie, and the police burghs of Motherwell and Wishaw, with the adjoining area, including Coatbridge and Bothwell, as defined by a red line on the accompanying map No. 181.	
182. Penicuik	The police burgh of Penicuik with the adjoining area, as defined by a red line on the accompanying map No. 182.	
183. Edinburgh	The Royal and Parliamentary burgh of Edinburgh, the Parliamentary burghs of Leith, Portobello, and Musselburgh, and the police burghs of Dalkeith, Lasswade and Loanhead, with the adjoining area, as defined by a red line on the accompanying map No. 183.	
184. Broxburn -	The town of Broxburn with the adjoining area, as defined by a red line on the accompanying map No. 184.	
185. Bathgate -	The police burgh of Bathgate with the adjoining area, as defined by a red line on the accompanying map No. 185.	
186. Linlithgow	The Royal and Parliamentary burgh of Linlithgow with the adjoining area, as defined by a red line on the accompanying map No. 186.	
187. Falkirk -	The Parliamentary burgh of Falkirk, and the police burghs of Borrowstounness and Grangemouth, with the adjoining area, as defined by a red line on the accompanying map No. 187.	
188. Stirling -	The Royal and Parliamentary burgh of Stirling, and the police burghs of Bridge of Allan, Alva, Alloa, Tilliecultry and Dollar with the adjoining area, including Clackmannan, as defined by a red line on the accompanying map No. 188.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
189. Dunfermline -	The Royal and parliamentary burghs of Dunfermline and Inverkeithing with the adjoining area, as defined by a red line on the accompanying map No. 189.	
190. Kirkcaldy -	The Royal and parliamentary burghs of Kirkcaldy, Burntisland, Kinghorn, and Dysart, and the police burgh of Markinch, with the adjoining area, as defined by a red line on the accompanying map No. 190.	
191. Leven -	The police burghs of Leven and Leslie with the adjoining area, as defined by a red line on the accompanying map No. 191.	
192. Perth -	The Royal and parliamentary burgh of Perth, the Royal burgh of Newburgh, and the police burgh of Abernethy, with the adjoining area, as defined by a red line on the accompanying map No. 192.	
193. Arbroath -	The Royal and parliamentary burgh of Arbroath with the adjoining area, as defined by a red line on the accompanying map No. 193.	
194. Cupar -	The Royal and parliamentary burgh of Cupar with the adjoining area, as defined by a red line on the accompanying map No. 194.	
195. St. Andrews -	The Royal and parliamentary burgh of St. Andrews with the adjoining area, as defined by a red line on the accompanying map No. 195.	
196. Dundee -	The Royal and parliamentary burgh of Dundee, and the police burghs of Broughty Ferry and Carnoustie, with the adjoining area, as defined by a red line on the accompanying map No. 196.	
197. Forfar -	The Royal and parliamentary burgh of Forfar with the adjoining area, as defined by a red line on the accompanying map No. 197.	
198. Montrose -	The Royal and parliamentary burghs of Montrose and Brechin with the adjoining area, as defined by a red line on the accompanying map No. 198.	
199. Aberdeen -	The Royal and parliamentary burgh of Aberdeen, and the police burghs of Stonehaven and Banchory, with the adjoining area, as defined by a red line on the accompanying map No. 199.	
200. Inverness -	The Royal and parliamentary burghs of Inverness, Dingwall, and Fortrose, with the adjoining area, as defined by a red line on the accompanying map No. 200.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
201. Fort William -	The police burgh of Fort William with the adjoining area, as defined by a red line on the accompanying map No. 201.	
202. Oban - -	The parliamentary burgh of Oban with the adjoining area, as defined by a red line on the accompanying map No. 202.	
203. Elgin - -	The Royal and parliamentary burghs of Elgin and Forres, and the police burgh of Lossiemouth, with the adjoining area, as defined by a red line on the accompanying map No. 203.	

IRELAND.

204. Londonderry -	The city of Londonderry with the adjoining area, including Strabane, as defined by a red line on the accompanying map No. 204.	
205. Belfast - -	The city of Belfast, and the townships of Carrickfergus, Newtownards, Bangor, Dromore, Lurgan, and Portadown, with the adjoining area, including Larne and Comber, as defined by a red line on the accompanying map No. 205.	
206. Dundalk - -	The township of Dundalk with the adjoining area, as defined by a red line on the accompanying map No. 206.	
207. Drogheda -	The municipal borough of Drogheda with the adjoining area, as defined by a red line on the accompanying map No. 207.	
208. Dublin - -	The city of Dublin, and the townships of Bray, Clontarf, Kingstown, and Blackrock, with the adjoining area, as defined by a red line on the accompanying map No. 208.	
209. Wexford - -	The municipal borough of Wexford, and the urban district of Enniscorthy, with the adjoining area, as defined by a red line on the accompanying map No. 209.	
210. Waterford -	The city of Waterford, and the township of Carrick-on-Suir, with the adjoining area, as defined by a red line on the accompanying map No. 210.	
211. Clonmel - -	The municipal borough of Clonmel with the adjoining area, including Caher and Fethard, as defined by a red line on the accompanying map No. 211.	

Number and Name of Area.	Description of Area.	Special Provisions applicable to Area.
212. Cork - -	The city of Cork, and the township of Queenstown, with the adjoining area, including Blarney and Monks-town, as defined by a red line on the accompanying map No. 212.	
213. Limerick - -	The city of Limerick with the adjoining area, as defined by a red line on the accompanying map No. 213.	

PART III.

Any urban district in England, Wales, or Ireland, and any burgh (as defined by the Public Health (Scotland) Act, 1867) in Scotland, not already specified in Part II. of this Schedule.

THE THIRD SCHEDULE BEFORE REFERRED TO.

DESCRIPTION OF TRUNK LINES, TRUNK WIRES, AND WORKS TO BE TRANSFERRED TO
THE POSTMASTER GENERAL.

[Details not yet ascertained.]

APPENDIX F.

MEMORANDUM to be endorsed on the LICENCE to the STANHOPE COMPANY
LIMITED and to be sealed with the SEAL of the COMPANY.

MEMORANDUM that the within-named Company have this day surrendered and delivered up to Her Majesty's Postmaster General the within Indenture of Licence and all powers authorities benefits and advantages conferred thereby.

POST OFFICE AND TELEPHONE
COMPANIES' AGREEMENTS.

COPY of a Memorandum of the Postmaster General,
dated 7 August 1894, setting forth Agreements
(in draft) with the National Telephone Company
(Limited) and the New Telephone Company
(Limited) to give effect to the Heads of Arrang-
ment with the Companies signed in August 1892.

(*Mr. Arnold Morley.*)

Ordered, by The House of Commons, to be Printed,
7 August 1894.

[*Price 7½d.*]

267.

Under 8 oz.

POST OFFICE (FOREIGN AND COLONIAL MAILS).

RETURN to an Order of the Honourable The House of Commons,
dated 5 June 1894;—for,

RETURN “ of the ESTIMATED WEIGHT (in Cwts.) of MAILS despatched from the
UNITED KINGDOM during the Years 1891, 1892, and 1893, to the Places and
by the Routes detailed below :—

Destination.	Route.	1891.			1892.			1893.		
		Letters and Postcards.	Books, Papers, Patterns, &c.	Parcels.	Letters and Postcards.	Books, Papers, Patterns, &c.	Parcels.	Letters and Postcards.	Books, Papers, Patterns, &c.	Parcels.
Australasian Colonies - - -	Viâ Brindisi or Naples	Cwts.	Cwts.	Cwts.	Cwts.	Cwts.	Cwts.	Cwts.	Cwts.	Cwts.
	” San Francisco - -									
	” Vancouver - -									
	By Direct Packet and Private Ships (New Zealand only).									
British India, Ceylon, Straits Settlements, Batavia, Manila, Borneo, China, and Japan - }	Viâ Brindisi - -									
United States, Mexico, and North America generally (including Canadian Mails sent viâ United States) - }	Viâ Queenstown and New York.									
Canada (direct) - - -	By Canadian Packet -									

General Post Office, }
14 August 1894. }

ARNOLD MORLEY,
Secretary.

(Mr. Provand.)

Ordered, by The House of Commons, to be Printed,
15 August 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

RETURN of the ESTIMATED WEIGHT (in Cwts.) of MAILS Despatched from the UNITED KINGDOM during the Years 1891, 1892, and 1893, to the Places and by the Routes detailed below :—

DESTINATION.	ROUTE.	1891.				1892.				1893.			
		Letters and Postcards.	Books, Papers, Patterns, &c.	Parcels.	Letters and Postcards.	Books, Papers, Patterns, &c.	Parcels.	Letters and Postcards.	Books, Papers, Patterns, &c.	Parcels.			
Australasian Colonies	<i>Via</i> Brindisi or Naples	<i>Cwts.</i> 712	<i>Cwts.</i> 9,675	<i>Cwts.</i> 1,336	<i>Cwts.</i> 776	<i>Cwts.</i> 12,577	<i>Cwts.</i> 1,114	<i>Cwts.</i> 739	<i>Cwts.</i> 13,005	<i>Cwts.</i> 975			
	<i>Via</i> San Francisco	84	1,396	—	100	1,834	—	104	2,089	—			
	<i>Via</i> Vancouver*	—	—	—	—	—	—	—	—	—			
	By Direct Packet and Private Ships (New Zealand only)	62	1,076	454	5	22	405	4	6	402			
British India, Ceylon, Straits Settlements, Batavia, Manila, Borneo, China, and Japan	<i>Via</i> Brindisi or Naples	841	9,544	2,763	906	13,679	2,682	912	15,388	2,810			
United States, Mexico, and North America generally (including Canadian Mails sent <i>via</i> United States)	<i>Via</i> Queenstown and New York	2,954	25,831	† 84	3,016	27,182	† 92	2,919	27,834	† 106			
Canada (direct)	By Canadian Packet †	123	1,592	616	115	1,610	756	107	1,629	849			

* No mail was sent to Australia via Vancouver until February 1894.

† The only parcels sent by this route are those for British Honduras, Bahamas, and Bermuda.

‡ These mails (except as regards parcels) are only weighed for one month every third year.

General Post Office, }
9 August 1894. }
S. Walpole,
Secretary.James J. Cardin,
Receiver and Accountant General.

POST OFFICE
(FOREIGN AND COLONIAL MAILS.)

RETURN of the ESTIMATED WEIGHT (in Cwt.)
of Mails despatched from the UNITED KINGDOM
during the Years 1891, 1892, and 1893; &c.

(Mr. Parnell.)

*Ordered, by The House of Commons, to be Printed,
15 August 1894.*

[Price 3d.]

POST OFFICE TELEGRAPHISTS.

RETURN to an Order of the Honourable The House of Commons,
dated 5 June 1894;—for,

RETURN “showing the Number of TELEGRAPHISTS employed by the POST OFFICE,
their Wages and other Emoluments generally, and Conditions of Employment in 1872
and 1894, stated separately for London and for the rest of the United Kingdom.”

Treasury Chambers, }
28 June 1894. }

JOHN T. HIBBERT.

(*Mr. Provand.*)

Ordered, by The House of Commons, to be Printed,
5 July 1894.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
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PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

STATEMENT showing the Number and Wages of TELEGRAPHISTS in 1872 and at the Present Time.

LONDON.

		1872.				1894.*			
RANK.		Number.	Percentage of whole Number.	Average Mean Salary Yearly to nearest £.	Actual Scales of Pay.	Number.	Percentage of whole Number.	Average Mean Salary Yearly to nearest £.	Actual Scales of Pay.
MEN.									
Supervisors	-	87	12.7	£. 173	{ Varying from— 350 <i>l.</i> , by 15 <i>l.</i> to 450 <i>l.</i> to 140 <i>l.</i> , by 5 <i>l.</i> to 160 <i>l.</i>	342	13.9	£. 218	{ Varying from— 67 <i>l.</i> , by 2 <i>l.</i> to 750 <i>l.</i> to 160 <i>l.</i> , by 8 <i>l.</i> to 190 <i>l.</i> 110 <i>l.</i> , by 8 <i>l.</i> to 160 <i>l.</i>
First Class Telegraphists	-	115	16.7	115	100 <i>l.</i> , by 5 <i>l.</i> to 130 <i>l.</i>	698	28.2	133	
General Body	-	486	70.6	61	{ 173, 70 <i>l.</i> , by 5 <i>l.</i> to 90 <i>l.</i> 225, 45 <i>l.</i> , by 5 <i>l.</i> to 65 <i>l.</i> 84, 12 <i>l.</i> , to 16 <i>l.</i> , a week	1,428	57.9	76	12 <i>l.</i> , 14 <i>l.</i> , 16 <i>l.</i> , then 1 <i>l.</i> by 6 <i>l.</i> to 110 <i>l.</i> (The full minimum, 16 <i>l.</i> , is given as soon as the officer is qualified, i.e., after a few months service)
	-	688				2,468			
WOMEN.									
Supervisors	-	66	6.4	99	{ Varying from— 160 <i>l.</i> , by 7 <i>l.</i> 10 <i>s.</i> to 200 <i>l.</i> to 70 <i>l.</i> , by 5 <i>l.</i> to 85 <i>l.</i>	165	8	121	{ Varying from— 100 <i>l.</i> , by 5 <i>l.</i> to 120 <i>l.</i> 30 <i>l.</i> , by 1 <i>l.</i> 6 <i>d.</i> to 88 <i>l.</i>
First Class Telegraphists	-	132	12.7	72	25 <i>l.</i> , by 1 <i>l.</i> 6 <i>d.</i> to 30 <i>l.</i>	342	26	89	10 <i>l.</i> , 12 <i>l.</i> , 14 <i>l.</i> , then by 1 <i>l.</i> 6 <i>d.</i> to 30 <i>l.</i> (The full minimum of 14 <i>l.</i> is given as soon as the officer is qualified.)
General Body	-	840	80.9	43	{ 308, 18 <i>l.</i> , by 1 <i>l.</i> 6 <i>d.</i> to 24 <i>l.</i> 367, 14 <i>l.</i> , by 1 <i>l.</i> to 17 <i>l.</i> 165, 8 <i>l.</i> to 12 <i>l.</i> , weekly	859	65	57	
	-	1,038				1,316			

* In the Rates for 1894 are included 429 Counterwomen and Telegraphists and 460 Counterwomen and Telegraphists, representing the proportion of the Counter Force (1,333 in all) who may be regarded as employed solely on Telegraph duties.

1872.

Annual average—Supervisors, one month, General Body, two weeks; if liable to night duty or in receipt of 30 <i>l.</i> a week, three weeks	-	-	-	-	-	-	-	-	Supervisors—One month and statutory Bank Holiday having pay of so much as 1 <i>l.</i> 6 <i>d.</i> a year. If liable, as above, or payment in lieu thereof.
Payment during sick leave—Two-thirds of wages	-	-	-	-	-	-	-	-	Ditto - - ditto - less than 150 <i>l.</i> , three weeks
Duration of duty (the night duty)—Eight hours	-	-	-	-	-	-	-	-	Payment during sick absence—If an officer is paid not exceeding six months, and half pay for six months, but if more than six months, and half pay for six months, seven years. If working satisfactorily, an officer is allowed half an hour's interval for dinner, his actual day's work being thus reduced to 7½ hours.
Payment for overtime—Retainable in wages	-	-	-	-	-	-	-	-	Rate and a-quarter.
Statutory sick leave—Payment at certificate rates for all Sunday attendance	-	-	-	-	-	-	-	-	Payment at certificate rates for all Sunday attendance.
For medical attendance in all cases—did not exceed 150 <i>l.</i> a year	-	-	-	-	-	-	-	-	Free medical attendance to all whose salaries do not exceed 150 <i>l.</i> a year.

In addition to the wages, special allowances are granted in certain cases for duties involving exceptional skill or responsibility. It is not practicable to state in detail the number and amount of these allowances. A Telegraphist paid in all years of age, on being ordered to retire, is entitled after 10 years' service, to a pension at the rate of 1*l.* 6*d.* of his pay for each year of service (the pension being payable with the first year's pension which is the highest amount he can receive). For less than 10 years' service gratuities are granted, calculated at the rate of one month's pay for each year of service. Telegraphists under the Statute law are from 14 years of age and upwards, and have to undergo a simple educational examination about once a year, with that for the Sixth Standard in Elementary Subjects. They are stationed in Telegraphs at the post of the Department.

1894.

Supervisors—One month and statutory Bank Holiday having pay of so much as 1 <i>l.</i> 6 <i>d.</i> a year. If liable, as above, or payment in lieu thereof.	-	-	-	-	-	-	-	-	Supervisors—One month and statutory Bank Holiday having pay of so much as 1 <i>l.</i> 6 <i>d.</i> a year. If liable, as above, or payment in lieu thereof.
Ditto - - ditto - less than 150 <i>l.</i> , three weeks	-	-	-	-	-	-	-	-	Ditto - - ditto - less than 150 <i>l.</i> , three weeks
Payment during sick absence—If an officer is paid not exceeding six months, and half pay for six months, but if more than six months, and half pay for six months, seven years. If working satisfactorily, an officer is allowed half an hour's interval for dinner, his actual day's work being thus reduced to 7½ hours.	-	-	-	-	-	-	-	-	Payment during sick absence—If an officer is paid not exceeding six months, and half pay for six months, but if more than six months, and half pay for six months, seven years. If working satisfactorily, an officer is allowed half an hour's interval for dinner, his actual day's work being thus reduced to 7½ hours.
Rate and a-quarter.	-	-	-	-	-	-	-	-	Rate and a-quarter.
Payment at certificate rates for all Sunday attendance.	-	-	-	-	-	-	-	-	Payment at certificate rates for all Sunday attendance.
Free medical attendance to all whose salaries do not exceed 150 <i>l.</i> a year.	-	-	-	-	-	-	-	-	Free medical attendance to all whose salaries do not exceed 150 <i>l.</i> a year.

PROVINCIAL.

1872.				1894.*				
RANK.	Number.	Percentage of whole Number.	Average Mean Salary Yearly to nearest £.	Actual Scales of Pay.	Number.	Percentage of whole Number.	Average Mean Salary Yearly to nearest £.	Actual Scales of Pay.
MEN.								
Supervisors	183	5.2	154	{ Varying from— 300 <i>l.</i> , by 15 <i>l.</i> to 360 <i>l.</i> to 100 <i>l.</i> , by 5 <i>l.</i> to 130 <i>l.</i> }	535	12.5	190	{ Varying from— 400 <i>l.</i> , by 20 <i>l.</i> to 500 <i>l.</i> to 120 <i>l.</i> , by 6 <i>l.</i> to 140 <i>l.</i> }
First Class Telegraphists	222	6.4	104	36 <i>s.</i> by 2 <i>s.</i> to 44 <i>s.</i> }	1,037	24.2	122	{ 40 <i>s.</i> , by 2 <i>s.</i> to 56 <i>s.</i> to 40 <i>s.</i> , by 2 <i>s.</i> to 50 <i>s.</i> }
General Body	3,102	88.4	53	{ 480, 28 <i>s.</i> , by 1 <i>s.</i> 6 <i>d.</i> to 35 <i>s.</i> 681, 22 <i>s.</i> , by 1 <i>s.</i> to 27 <i>s.</i> } 68, 16 <i>s.</i> , by 1 <i>s.</i> to 20 <i>s.</i> } 1,509, 14 <i>s.</i> , by 1 <i>s.</i> to 21 <i>s.</i> } 151, 12 <i>s.</i> , by 6 <i>d.</i> to 15 <i>s.</i> } 213, fixed wages of 7 <i>s.</i> , 8 <i>s.</i> , and 10 <i>s.</i> weekly }	2,708	63.3	68	12 <i>s.</i> first year, 14 <i>s.</i> second year, 18 <i>s.</i> third year, then by 2 <i>s.</i> annually to 40 <i>s.</i> (Three rise to 32 <i>s.</i> only.)
WOMEN.								
Supervisors	—	—	—	—	43	2.8	115	{ Varying from— 125 <i>l.</i> , by 5 <i>l.</i> to 160 <i>l.</i> to 85 <i>l.</i> , by 5 <i>l.</i> to 105 <i>l.</i> }
First Class Telegraphists	—	—	—	—	353	23.6	81	{ 28 <i>s.</i> , by 1 <i>s.</i> 6 <i>d.</i> to 35 <i>s.</i> to 28 <i>s.</i> , by 1 <i>s.</i> 6 <i>d.</i> to 32 <i>s.</i> }
General Body	—	—	—	—	1,101 1,497 * 5,777	73.6	50	{ 10 <i>s.</i> first year, 12 <i>s.</i> second year, 15 <i>s.</i> third year, then by 1 <i>s.</i> 6 <i>d.</i> annually to 28 <i>s.</i> (25 rise to 27 <i>s.</i> only.)

* In addition to the 5,777 officers employed entirely on Telegraph duties in the provinces, there are at the smaller provincial offices 4,345 Sorting Clerks and Telegraphists (3,140 men and 1,205 women) employed on both Postal and Telegraph work. These officers are paid on scales varying from a minimum of 12*s.* to a maximum of 32*s.*, 35*s.*, 38*s.*, or 40*s.* a week in the case of men, and from a minimum of 10*s.* to a maximum of 24*s.*, 26*s.*, 28*s.*, or 27*s.* a week in the case of women. The scales of the Supervising Force (Postal and Telegraph combined) at some of these offices vary from 100*l.* to 200*l.* at the minimum, and from 130*l.* to 260*l.* at the maximum, in the case of men; and from 85*l.* to 100*l.* at the minimum, and from 105*l.* to 120*l.* at the maximum, in the case of women. At other offices extra allowances for supervising are provided, ranging from 2*s.* to 8*s.* a week.

* In addition to the 5,777 officers employed entirely on Telegraph duties in the provinces, there are at the smaller provincial offices 4,345 Sorting Clerks and Telegraphists (3,140 men and 1,205 women) employed on both Postal and Telegraph work. These officers are paid on scales varying from a minimum of 12*s.* to a maximum of 32*s.*, 38*s.*, or 40*s.* a week in the case of men, and from a minimum of 10*s.* to a maximum of 24*s.*, 26*s.*, or 27*s.* a week in the case of women. The scales of the Supervising Force (Postal and Telegraph combined) at some of these offices vary from 100*l.* to 200*l.* at the minimum, and from 130*l.* to 260*l.* at the maximum, in the case of men; and from 85*l.* to 100*l.* at the minimum, and from 105*l.* to 120*l.* at the maximum, in the case of women. At other offices extra allowances for supervising are provided, ranging from 2*s.* to 8*s.* a week.

1872.

Annual leave—Supervisors, one month; General Body, two weeks; if liable to night and Sunday duty, three weeks
Payment during sick absence—One-half of wages (except at one or two of the largest offices) - - - - -
Duration of duty (day or night)—Eight hours - - - - -

Payment for overtime—Rateably on wages
Sunday work—An average attendance of two hours each Sunday without extra pay
Free medical attendance to all whose salaries did not exceed 150*l.* a year

In addition to the wages, special allowances are granted in certain cases for duties involving exceptional skill or responsibility. It is not practicable to state in detail the number and amounts of these allowances.
A Telegraphist who is 60 years of age, or, being under 60, is constrained by ill-health to retire, is entitled, after 10 years' service, to a pension at the rate of 1-60th of his pay for each year of service (beginning with the first year, up to 40-60ths, which is the highest amount he can receive. For less than 10 years' service gratuities are granted, calculated at the rate of one month's pay for each year of service.
Telegraphists enter the Service as boys and girls from 14 years of age upwards, and have to undergo a simple educational examination, about on a level with that for the Sixth Standard in Elementary Schools. They are instructed in Telegraphy at the cost of the Department.

1894.

Supervisors, one month; General Body, three weeks, and statutory Bank Holidays, or leave or payment in lieu thereof.
Payment during sick absence—Full wages for a period not exceeding six months, and half pay for six months longer if necessary.
By day, eight hours; by night, seven hours. If working continuously, an officer is allowed half an hour's interval for dinner, the actual day's work being thus reduced to 7½ hours.
Rate and a-quarter.
Payment at overtime rates for all Sunday attendance.
Free medical attendance to all whose salaries do not exceed 150*l.* a year.

POST OFFICE TELEGRAPHISTS.

RETURN showing the Number of TELEGRAPHISTS employed by the Post Office, their Wages and other Emoluments generally, and Conditions of Employment in 1872 and 1894, stated separately for London and the rest of the United Kingdom.

(*Mr. Pymond.*)

*Ordered, by The House of Commons, to be Printed,
5 July 1894.*

[*Price 1 d.*]

PRIMARY EDUCATION IN GUERNSEY.

RETURN to an Address of the Honourable The House of Commons,
dated 14 June 1894;—for,

“COPY of the Memorial to the Committee of the Privy Council for the Affairs of Guernsey and Jersey from the Ratepayers' Committee of St. Peter Port, Guernsey, asking for the appointment of a Commission to inquire into the question of Primary Education in Guernsey; also of the Petition to Her Majesty from the Committee of Nonconformists in Guernsey on the same subject, together with the Replies given to such Memorial and Petition.”

Home Office, }
19 June 1894. }

GEORGE W. E. RUSSELL.

(*Mr. Carvell Williams.*)

Ordered, by The House of Commons, to be Printed,
20 June 1894.

LONDON:

PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
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90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

COPY of the Memorial to the Committee of the Privy Council for the Affairs of Guernsey and Jersey from the Ratepayers' Committee of St. Peter Port, Guernsey, asking for the appointment of a Commission to inquire into the question of Primary Education in Guernsey; also of the Petition to Her Majesty from the Committee of Nonconformists in Guernsey on the same subject, together with the replies given to such Memorial and Petition.

To the Most Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey.

THIS Memorial of the committee appointed by the ratepayers of the town and parish of Saint Peter Port, in the Island of Guernsey, in terms of the following resolution adopted at a meeting duly summoned, and constitutionally held on the 28th day of February 1894: "To draw up a Memorial for transmission to the Lords of Her Majesty's Privy Council, respectfully pointing out to their Lordships the disappointment felt by the ratepayers of Saint Peter Port at their not having been heard at the Bar of Council, as prayed for by them in their Petition of 23rd September 1893: And also to take such measures as the said committee shall think advisable in conformity with the wishes expressed by the said ratepayers."

Sheweth,

That this committee is legally authorised to express, on behalf of the said ratepayers, their deep disappointment at not having been given the opportunity of being heard at the Bar of Her Majesty's Most Honourable Privy Council, as prayed for by them, before the "Projet de Loi," on Public Primary Education, was recommended by your Lordships for Her Majesty's assent.

That although in the petition forwarded on the 23rd September 1893, the words "if needs be" were inserted with the request to be heard by Counsel, the reason for that was because the Petitioners could not imagine that a "Projet de Loi," so contrary to the spirit of modern educational legislation, and containing such a flagrant violation of the immemorial rights of the ratepayers, could have been entertained by your Lordships, but would have been sent back to the States for revision.

That the answer of the committee named on behalf of the States to the petition of the ratepayers, upon which your Lordships' decision was, doubtless, largely based, is so framed as to be wholly misleading on matters relating to the rights and liberties of the people of Guernsey.

That this committee begs respectfully to point out to your Lordships:—

1. That so far from the 120 ratepayers (mentioned in the answer of the States' committee to the ratepayers' petition) not representing "the whole or even a considerable portion of the voting power of the parish"; all the parish meetings at which the "Projet de Loi" was discussed, were duly convened, fuller notice than usual having been given, and that the said meetings were practically unanimous in their decisions; and further, that the numbers attending the said meetings were more than double the numbers usually attending those assemblies.

2. That in reference to the composition of the States of Deliberation, your Lordships are led to infer that they are a popularly representative body; whereas they do not in any sense directly represent the people; the 12 jurats are elected by an "electoral college" composed of Douzeniers *elected for life*,

and, consequently, are not amenable to their constituents; 15 deputies are elected by the said Douzeniers out of their own number for one sitting only of the States, and then not according to the relative proportions of the population of the town of Saint Peter Port and the rural parishes; when to these are added the 10 *ex-officio* members (viz., the bailiff, the Queen's Procureur, and eight rectors of parishes) it is manifest that the voice of the people is not, and cannot be, heard through the States as at present constituted.

3. That the assertion of the States committee to the effect that the ratepayers "never passed any resolution in favour of compulsory education" misrepresents the attitude of the ratepayers, who, while never objecting to it, hold that any measure on Public Primary Education should deal with the whole subject, and not with a portion of it only.

4. That the allegation of the States' committee that the ratepayers have refused to vote any monies for Primary Education is unjust to the ratepayers, who have never disputed their liability to provide for and maintain Primary Education; and when they declined to vote the sum demanded by the States, in April 1893, it was avowedly only a temporary measure of self-defence, owing to the States not having carried out the undertaking under which the increased impôt had been obtained, viz., "amongst other objects, of paying a larger portion, if not the whole cost, of Primary Education."

5. That with respect to the rectors, their presidency of the school committees was not objected to so long as educational matters were regulated by an "accord" or agreement; but that when a *law* dealing with the subject was proposed, it was deemed unjust to perpetuate for all time the supremacy of the rectors. The ratepayers, by an overwhelming majority, have endorsed the action of their committee in opposing the "Projet de Loi," on account of the unfairness of Articles 8 and 21, dealing with religious instruction, and they cannot agree with the States' committee in the declaration that "the alternative (to the present method) would be to withhold religious instruction from the children attending the primary schools," maintaining on the contrary that a basis of agreement could have been arrived at without difficulty.

6. That the "accords" *re* Public Primary Education being still in existence in the rural parishes, the country ratepayers were not awake to the fact that the "Projet de Loi" would affect them, hence their failure to combine with the town parish to oppose it.

7. That the Ordinances of the Royal Court of 1611, 1674, and 1684, quoted by the States' committee as precedents which might justly be followed in the matter of the law on Public Primary Education, were distinctly and absolutely repealed and annulled by the Ordinance of the Royal Court of 1821.

8. That the Ordinance of 1821, which was passed after, and was, probably, the outcome of a prolonged conflict (as to the rights of the ratepayers) between the Royal Court and the parishioners, in which the action of the latter was fully upheld by the Lords of Council (1819), and has ever since been regarded as guaranteeing to the ratepayers some effective control over the uses to which public monies might be applied, expressly states:—

"The Court, having, at the last Chief Pleas, named a committee to prepare a general Ordinance on the domicile or parochial settlement in which everyone must be taxed, and on the mode of taxation in this island, such committee to report to the present Chief Pleas (Easter 1821), and the said committee having presented its report, as well as a 'projet d'ordonnance' on those two subjects, and on those that are cognate thereto. The Court, in order to unite under one head (after careful revision) the regulations relating to these objects and which are scattered among various Ordinances, has ordered and hereby orders (the conclusions of the King's officers having been heard), that all Ordinances relating to domicile of inhabitants and strangers, to their establishment in this island, to the places where, and the times when, they must be taxed, where they must be maintained should they become paupers,

"as

"as well as on the mode of taxation, are repealed and annulled, and that the following regulations shall be substituted for them, viz."

(Then follows the ordinance referred to, April 1821, Article 20 of which reads as follows):

"No parochial tax can be levied without the previous consent of the parish given in an assembly of ratepayers duly called and held for the purpose, nor without the confirmation of the parish deliberation by an Act or 'remède' obtained from the Royal Court."

9. That the "autonomy" of the island, which the States' Committee ask to be respected by your Lordships, means simply the government of the people by a legislature, the members of which are not either directly or indirectly accountable to the people for their acts.

10. That the ratepayers of St. Peter Port have declined to appoint a parish committee under the new law for this, among other reasons, that, in the event of a disagreement between the parish committee and the States' Committee, four out of the ten members of the States' Committee, besides being permanent members of the States, are also members of the final Court of Appeal, of which they form one-third, and could hardly be expected to decide against themselves in any appeal from the committees to the Royal Court; whilst other four members of the States' Committee (Rectors) are *ex-officio* members of the States of Deliberation, and also *ex-officio* members and presidents of the parochial school committees in their respective parishes.

That, as the law on Public Primary Education in its compulsory provisions has deprived the ratepayers of St. Peter Port of their only means of defence against tyrannical and unjust legislation,

This Committee respectfully prays your Lordships to direct that steps be taken for the appointment of a Commission to inquire into the whole question of Public Primary Education in Guernsey, and especially into the bearing of the recently passed Act on the rights and privileges of Her Majesty's subjects in this island.

28th April 1894.

(Signed) *John N. Brouard,* } Constables.
E. Valpied,
G. F. Carrington.
N. Ferguson.
James Mourant.
A. C. Quick.
Thomas P. Hocart.
Thos. Pengelley.
Harry Millican.
Matthew Gallienne, junr.

COPY of the Petition to Her Majesty in Council from the Committee of Nonconformists in Guernsey on the same subject.

To Her Most Excellent Majesty the Queen in Council.

The Humble Complaint and Petition of the Committee elected to represent the Protestant Nonconformists of the Island of Guernsey:

Humbly sheweth:

THAT we, the loyal and devoted subjects and servants of your Most Excellent Majesty, have learnt with grief and consternation that the representations we have made to your Majesty in Council, in the form of memorial, complaint and petition, against the Articles relating to Religious Instruction in the Law on

Public Primary Education in Guernsey have been disregarded without more particular inquiry as to their reasonableness, and that, on December 11th. 1893, the law in its entirety received your Majesty's royal sanction.

That we believe this has been done under some serious misconception as to the constitutional means at the disposal of your Majesty's Nonconformist subjects in this island, whereby they may obtain, through the local legislature, modifications, if not the repeal, of those parts of the law which are oppressive to their consciences, and which they deem to be subversive of the principle of religious equality.

That there are no such constitutional means by which they can hope to obtain relief from the disabilities under which the law on public primary education places them.

The composition of the States of Deliberation forbids any such hope, 22 members out of the 37 being either members *ex officio*, or members holding a life appointment; the remaining 15 (deputies) never, as a body, sitting at more than one sitting of the States, being subject to constant change according to the inclination of the permanent parochial committees by which they are elected and which alone they represent, their authority being in no sense derived *directly* from the electorate.

That the political constitution of Guernsey makes no provision for any measure being placed before the electorate for consideration; nor does it afford to the people any effective means of expressing their disapproval. After a Bill has been discussed in a meeting of the States, and adopted by howsoever small a majority, it is at once, without further confirmation, sent up to your Most Excellent Majesty in Council for approval or otherwise; and your Majesty's Most Honourable Privy Council has always been regarded in the light of a tribunal before which the inhabitants of this island have the privilege of making known their grievances.

That your Majesty's Nonconformist subjects have been placed at a disadvantage in not having had the opportunity of seeing, and therefore of replying to, the statement sent by the States' Committee in answer to

- (a.) The Petition of the Nonconformist Committee, signed, under the direction of that committee, by the chairman and the two secretaries, and;
- (b.) The 29 petitions from as many congregations of Nonconformists (French-speaking and English-speaking) in this island;

and, consequently, they have not had the opportunity of fully stating their case before the Committee of your Majesty's Most Honourable Privy Council.

That the law, as passed, infringes the ancient constitutional custom of this island in one particular of vital moment to your Majesty's Nonconformist subjects, in that it deprives the people of the only effective method of protesting against unjust or objectionable legislation, namely, the privilege assured to the people by an Ordinance of the Royal Court in the year 1821, of consenting to or dissenting from the levying of parochial taxes for public purposes through their constitutionally convened meetings of parochial ratepayers.

Your Petitioners, being thus completely shut out from all constitutional means of giving expression to their convictions and wishes before the local Legislature, humbly complain to your Most Gracious Majesty in Council: That the articles in the law on Public Primary Education regulating religious instruction in the Public Primary Schools threaten the extinction, in process of time, of evangelical societies, which have been labouring (in some cases for nearly 120 years) for the moral and spiritual welfare of your Majesty's subjects in this island.

Your Petitioners, therefore, humbly pray your Majesty to cause an inquiry to be made into the various circumstances connected with the passing of the law herein complained of, as well as into the educational system hitherto existing in the island, the changes effected by such law, and the probable effects thereof.

thereof, as regards both the progress of education and the rights of the various sections of the population of the island.

And your Petitioners will ever pray.

For and on behalf of the Nonconformist Committee :

(Signed)	<i>H. Millican</i> , Presbyterian Minister, <i>M. Gallienne, junr.</i> , Wesleyan Minister, <i>Thomas P. Hocart</i> . <i>Wm. Straugh</i> (?). <i>John Dale</i> (?). <i>Daniel Collas</i> . <i>John E. Dorey</i> . <i>W. H. Ingroville</i> . <i>H. M. Ozanne</i> . <i>James Le Page</i> . <i>William Ozanne</i> . <i>Jno. Langlois</i> . <i>Peter Manger</i> . <i>James Le Page, junr.</i> <i>Jos. W. Morgan</i> . <i>Peter J. Sarre</i> . <i>Richard Hillman</i> . <i>G. F. Carrington</i> . <i>John Whitehead</i> . <i>J. H. Parsons</i> . <i>Alfred Rougier</i> . <i>H. Marchbank</i> , Wesleyan Minister. <i>A. J. T. Le Gros</i> , Wesleyan Minister. <i>W. J. Helman</i> . <i>Ph. G. Adair</i> , Wesleyan Minister. <i>T. H. Brouard</i> . <i>Daniel Renouf</i> . <i>V. H. Culliford</i> , Bible Christian Minister. <i>Alfred Colbeck</i> , Methodist New Connexion Minister. <i>Samuel Harry</i> , Primitive Methodist Minister. <i>Henry Netherton</i> . <i>W. Kimber Hardy</i> , Wesleyan Minister.	} <i>Hon. Secs.</i>
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COPY of Reply given to foregoing Memorial.

Sir,

Council Office, 9 May 1894.

I HAVE submitted to the Lords of the Committee of Council for the Affairs of Guernsey and Jersey the Memorial of the committee of ratepayers of the town and parish of St. Peter Port, in the Island of Guernsey, pointing out to their Lordships the disappointment felt by the ratepayers of that town and parish at their not having been heard at the Bar of Council against the confirmation of the Act of the States on Primary Education in the island, as prayed for by them in their Petition of the 23rd September 1893, and praying, for the reasons set forth in the Memorial, that steps be taken for the appointment of a Commission to inquire into the whole question of Primary Education in Guernsey, and especially into the bearing of the recently passed Act on the rights and privileges of Her Majesty's subjects in the island.

The Lords of the Committee instruct me to state that not only the Petition of the ratepayers, but also the several other Petitions which were presented, received their Lordships' careful attention at the time that the Act of the States was under their consideration.

The Lords of the Committee were of opinion that no useful end would be gained by hearing Counsel in the matter, and that the Petitioners would only be put to unnecessary expense if that course were adopted.

The Act, as you are aware, has only recently been confirmed by the Queen in Council, and their Lordships cannot advise Her Majesty that the question should be reopened before there has been time to ascertain the effect it will have upon education in the island.

John N. Brouard, Esq., Guernsey.

I am, &c.
(signed) C. L. Peel.

COPY of Reply given to foregoing Petition.

Sir,

Council Office, 27 April 1894.

I HAVE submitted to the Lords of the Committee of Council for the Affairs of Guernsey and Jersey the Petition of the committee elected to represent the Protestant Nonconformists of the Island of Guernsey, with reference to the approval by Her Majesty in Council of the Law on Public Primary Education in that island.

The Lords of the Committee have given their attention to the allegations set forth in the Petition, and their Lordships have instructed me to state that the Law was approved by Her Majesty in Council on a report of the committee, who had carefully considered the whole question, and that in these circumstances their Lordships would not feel themselves justified in recommending Her Majesty to reopen the question.

Reverend H. Millican, Grange-road,
Guernsey.

I am, &c.
(signed) C. L. Peel.

PRIMARY EDUCATION IN GUERNSEY.

(COPY of the Memorial to the Committee of the Privy Council for the Affairs of Guernsey and Jersey from the Ratepayers' Committee of St. Peter Port, Guernsey, asking for the appointment of a Commission to inquire into the question of Primary Education in Guernsey, also of the Petition to Her Majesty from the Committee of Nonconformists in Guernsey on the same subject, together with the Replies given to such Memorial and Petition.)

(Mr. Carell Williams.)

Ordered, by The House of Commons, to be Printed,

30 June 1894.

[Price 1d.]

179.

Under 1 oz.

PUBLIC DEPARTMENTS (ATTENDANTS).

RETURN to an Order of the Honourable The House of Commons,
dated 5 April 1894;—for,

COPY “of TREASURY MINUTE, dated 17th February 1894, as to Conditions
of Service and Remuneration of Office-keepers and House-keepers,
Messengers, Attendants, and Porters in Public Departments.”

Treasury Chambers, }
5 April 1894. }

JOHN T. HIBBERT.

(*Sir John Hibbert.*)

Ordered, by The House of Commons, to be Printed,
5 April 1894.

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COPY of TREASURY MINUTE, dated 17th February 1894, as to Conditions of Service and Remuneration of Office-keepers and House-keepers, Messengers, Attendants, and Porters in Public Departments.

TREASURY MINUTE, dated 17th February 1894.

My Lords read the Report of the Treasury Committee appointed by Minute of the 26th November 1891 to consider the conditions of service and remuneration of office-keepers and house-keepers, messengers, attendants, and porters in Public Departments.

The Committee divide their Report under the following heads:—

1. Office-keepers, house-keepers.
2. Messengers.
3. Attendants other than ordinary messengers.
4. Porters, &c.

1.—*Office-keepers.*

The Committee find that the duties of office-keepers and house-keepers vary so widely in nature and amount, that they do not propose any rate of salary applicable to the whole class, nor do they propose any alteration in the present practice affecting the class, except that the length of leave should be uniform.

The Committee mention that in certain Departments, *e.g.* the Charity Commission and the Bankruptcy Offices, it has been found possible to dispense with a *resident* office-keeper, and they recommend that this course should be followed where the circumstances admit of it. Further, it has been represented to them that retired Warrant Officers would be specially suitable for employment as office-keepers.

My Lords entirely agree with the Committee in deprecating any attempt to make office-keepers a separate class of State *employés*, receiving a uniform scale of pay. They see, however, no objection to the recommendation that the vacation of office-keepers and house-keepers should be fixed at one month, that is, 24 working days.

My Lords will ask Heads of Departments to consider and state whether they consider a *resident* office-keeper necessary.

They note the recommendation as to Warrant Officers, but at present they prefer to gain more experience of the service of Navy and Army pensioners as ordinary messengers.

2.—*Messengers.*

My Lords have under separate consideration the question of the employment on temporary service of Navy and Army pensioners as messengers in Public Offices, a course recommended by Sir C. Fremantle's Committee; it is not, therefore, necessary in the present Minute to refer further to that part of the Committee's Report.

My Lords consider that the holiday of established messengers should be limited to 12 working days, exclusive of public holidays, during the first five years of service, and 18 working days, exclusive of public holidays, afterwards. They agree with the Committee that it is not desirable to assign a uniform scale of pay to the class of established civilian messengers, which will be reduced as the employment of pensioners is extended.

My

My Lords agree also with the Committee that it is not desirable to change the present system of selecting messengers in the Post Office from sorters, postmen, porters, and other men already in the service of that great Department. Lastly, they wish to leave all reasonable discretion to the Heads of Departments. They, therefore, agree with the Committee that Departments should be at liberty, if they please, to employ either commissionaires or boy messengers, if the authorities of a Department prefer that class of labour.

3.—*Attendants other than ordinary Messengers.*

There is much work of a technical character entrusted to attendants employed at the British Museum, the Science and Art Department, the Mint, the Patent Office, the Record Office, and the Stationery Office.

My Lords are not prepared to contest the opinion of the Committee that pensioners are not fitted for such duties. The conditions of service required from the attendant staff employed in these Offices must be arranged as occasion offers, in correspondence between the Treasury and the Departments concerned.

4.—*Porters, Gate-keepers, Fire-lighters.*

The Committee suggest that these posts should be filled by pensioners. They add a recommendation that porters employed under the Post Office should be appointed exclusively from the list of pensioners.

My Lords will recommend these suggestions to the notice of the Departments. They will be prepared, in Offices connected with the Treasury, to approve the selection of pensioners for employment as porters, or in posts of a like character, if they should find that Heads of Offices are willing to try the experiment, and that the experiment proves successful.

Lastly, the Committee recommend—

1. That all office-keepers and messengers should be held liable to give a daily attendance for such a number of hours as the business of the Office may require; and

2. That all the situations to which the Report refers should be made subject to the ordinary rules of the Civil Service, which make retirement at 65 compulsory, and which enable the Head of a Department to require a man to retire at the age of 60.

As regards the first of these recommendations, my Lords are enforcing it, as and wherever opportunity occurs. They will ascertain whether there are any Departments to which it does not as yet apply.

As regards the second recommendation, my Lords propose at an early date to apply the rule of compulsory retirement at 65 to the lower branches of the Public Service, as it has already been applied to the higher branches. It is, of course, competent to Heads of Departments to retire office-keepers and messengers at 60, upon the same principle that higher officers can be retired at that age. The power, however, is, and ought to be, exercised with great discretion, as retirement before the age of 65 may be hard upon the individual, as it is, without doubt, expensive to the State. Retirement before 65 ought, in fact, only to be applied in order to facilitate reduction of staff, or to remove a man who is admittedly inefficient.

PUBLIC DEPARTMENTS (ATTENDANTS).

COPY of FINANCIAL MINUTE dated 17 February 1894, as to Conditions of Service and Remuneration of Office-keepers and House-keepers, Messengers, Attendants and Porters in Public Departments.

(*Sir John Hilbert.*)

*Ordered, by The House of Commons, to be Printed,
5 April 1894.*

[*Price 3d.*]

59. *Linder 102.*

SEWAGE (PRECIPITATION).

RETURN to an Order of the Honourable The House of Commons,
dated 29 December 1893;—for,

RETURN “showing the Number of URBAN SANITARY DISTRICTS and CONTRIBUTORY PLACES in RURAL SANITARY DISTRICTS in *England* and *Wales* in which Systems for treating Sewage by Precipitation are in Operation, and whether in such Cases the Precipitate is of a Saleable Value.”

Local Government Board, }
15 August 1894. }

HUGH OWEN,
Secretary.

(*Mr. Tomlinson.*)

Ordered, by The House of Commons, to be Printed,
16 August 1894.

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PART I.

RETURN showing the URBAN SANITARY DISTRICTS and CONTRIBUTORY PLACES in RURAL SANITARY DISTRICTS in *England* and *Wales* in which Systems for treating Sewage by Precipitation are in Operation, and whether in such Cases the Precipitate is of a Saleable Value.

URBAN SANITARY DISTRICTS.

The letters C.B., M.B., L.G.D., and I.A.D. denote the County Boroughs, Municipal (other than County) Boroughs, Local Government, and Improvement Act Districts, respectively.

Names of Administrative Counties and Urban Sanitary Districts.	Whether any system for Treatment of Sewage by Precipitation is in operation.	Whether the Precipitate is of a Saleable Value.	OBSERVATIONS.
	1.	2.	3.
ENGLAND :			
BUCKINGHAM :			
Chepping Wycombe - M.B.	Yes (a)	Yes (b)	(a) A little lime only is used. A full lime process cannot be, at present, carried out owing to the limit in tank space. Clarification is effected, practically, by "roughing filters." A small quantity of aluminoferric is used in the sludge pits on the occasion of cleaning out filters or tanks, on alternate days of the week. (b) The sludge with the above very slight treatment is saleable to farmers at 1s. per load. There is difficulty in drying it.
Aylesbury - - - L.G.D.	Yes (a)	Yes (b)	(a) By an expired patent of the Native Guano Company. (b) The sludge is sold for 1s. per cart load. When the sewage was treated by the Native Guano Company the sludge was dried and ground, and sold at 3l. 10s. per ton.
Chesham - - - L.G.D.	Yes (a)	No	(a) Alum and lime, and irrigation.
CHESTER :			
Chester - - - C.B.	Yes	Yes	—
Hyde - - - M.B.	Yes	(b)	(b) Not found so at present.
CORNWALL :			
Falmouth - - - M.B.	Yes (a)	(b)	(a) Precipitation agent, lime and sulphate of alumina. (b) It is not sold, but discharged at night by barges into the bay outside the harbour.
CUMBERLAND :			
Cleator Moor - - L.G.D.	Yes (a)	(b)	(a) Precipitation by lime. (b) Have not yet been able to sell any.
DERBY :			
Buxton - - - L.G.D.	Yes (a)	No (b)	(a) Chalybeate water and lime. (b) Most of the pressed sludge is carted away by farmers as it comes from the air compressors. The Local Board have good account of it as a fertilizer. At certain times they are obliged to cart it away to their own farm when the farmers are too busy. At present, however, it has no saleable value.
Fairfield - - - L.G.D.	(a)	(b)	(a, b) The sewage is conveyed to and treated by precipitation in the adjoining Urban Sanitary District of Buxton. See Buxton.
Long Eaton - - L.G.D.	Yes	Yes	—
Matlock - - - L.G.D.	Yes (a)	No	(a) A system of catch-pits or precipitation tanks.
Matlock Bath - - L.G.D.	(a)	No	(a) A section of this district forms part of a sewerage scheme with Cromford in the Bakewell Rural Sanitary District. The system of treatment is known as Ives' precipitating tanks.
DEVON :			
Compton Gifford - - L.G.D.	Yes	No	—
St. Thomas-the-Apostle - L.G.D.	Yes	(b)	(b) Very small.
Wolborough - - - L.G.D.	Yes (a)	Yes (b)	(a) A series of sedimentary tanks and aluminoferric is used to assist in clarifying the effluent. (b) The sludge is dried in open bays with a bed of screened scavenge, or ash refuse, and sold to the occupiers of farms near the district at a price varying from 2s. to 2s. 6d. per load, which is about the cost of the forming of the bay and drying the sludge.
DORSET :			
Sherborne - - - L.G.D.	Yes	No	—

PART I.—RETURN showing the Urban Sanitary Districts and Contiguous Places and Rural Sanitary Districts in England and Wales, &c.—continued.

Names of Administrative Counties and Urban Sanitary Districts.	Whether any system for Treatment of Sewage by Precipitation is in operation.	Whether the Precipitate is of a Saleable Value.	OBSERVATIONS.
ENGLAND—continued.			
DURHAM:			
Brandon and Byshottles L.G.D.	Yes	No	—
Houghton-le-Spring - L.G.D.	Yes (a)	Yes (b)	(a) The sewage is conveyed to the sewage farm and there treated with Spence's alumino-ferrous, and passed through precipitating tanks in a continuous flow, thus precipitating a large percentage of solids and matters in solution. (b) The precipitate is sold to the local farmers for 1s. per load.
ELY, ISLE OF:			
Ely - - - L.G.D.	(a)	(b)	(a, b) The sewage in this district is not subjected to a complete system of chemical precipitation. The Board was formed in the year 1856, and the sewage of the city was then disposed of by discharging it into a large underground reservoir, properly protected and ventilated, the excrementitious matters and other solid refuse being interspersed and separated, and the liquid portion finally finding its way into the river Ouse which is near the Board's works. This reservoir was periodically emptied, and its contents mixed with the street sweepings, ashes, &c., and sold as manure, or given away to farmers and others until within the last few years, when the Board have found it quite impossible to dispose of the solid matter; they have therefore arranged with the owners of land near to permit the contents of the reservoir after they have been treated with milk of lime to be pumped on to the land, and then covered with the street sweepings, ashes, &c., and thoroughly disinfected.
ESSEX:			
Colchester - - - M.B.	Yes (a)	Yes (b)	(a) The ordinary lime process, the best Derbyshire lime being used. (b) 371,284,708 gallons of sewage have been treated and pumped into precipitation tanks at the sewage outfall works during the year ended 31st December 1893, an average daily flow of 1,017,218 gallons. After precipitation there remained 17,862 tons of liquid manure which was reduced by the process of pressing to 3,571 tons of portable manure, and sold to farmers at an average price of 1s. 6d. per ton.
Saffron Walden - - - M.B.	Yes	No (b)	(b) The precipitate or sludge is pressed into cakes by sludge-pressing machinery (supplied by Messrs. A. & Co., Nottingham). It has not been found possible yet to find a sale for the sludge, but farmers are always ready to cart it away and to use it as manure. It is considered quite possible that when it has been tried for a longer period, the Board will be able to sell it with advantage.
Barking Town - - - L.G.D.	Yes	(b)	(b) Not saleable, but of late there has been a demand for it; the market gardeners sending trucks for it and keeping the works clear of sludge, no charge being made by either.
East Ham - - - L.G.D.	Yes (a)	(b)	(a) Spencer's alumino-ferrous and clay being used. (b) No demand for it as plenty of stable manure is to be had from London, and this is preferred by the market gardeners.
Ilford - - - L.G.D.	Yes (a)	No (b)	(a) Milk of lime is mixed with the sewage as it passes through a series of precipitating tanks; the effluent from these tanks is filtered through land on which vegetables produce is grown, and sold by public auction. (b) The precipitate is taken by neighbouring farmers, being fetched from the sludge pits at their own expense.
Leyton - - - L.G.D.	Yes	No (b)	(b) The sludge is pressed, and the Board put on its removal.
Woodford - - - L.G.D.	Yes	(b)	(b) Very small.
GLOUCESTER:			
Stroud - - - L.G.D.	Yes (a)	(b)	(a) The sewage flows into tanks and is treated with chemicals.
HEREFORD:			
Hereford - - - M.B.	Yes	Yes (b)	(b) 2s. 6d. per ton.

PART I.—RETURN showing the Urban Sanitary Districts and Contributory Places in Rural Sanitary Districts in England and Wales, &c.—continued.

Names of Administrative Counties and Urban Sanitary Districts.	Whether any system for Treatment of Sewage by Precipitation is in operation.	Whether the Precipitate is of a Saleable Value.	OBSERVATIONS.
	1.	2.	3.
ENGLAND—continued.			
HERTFORD:			
Hertford - - - M.B.	Yes	Yes (b)	(b) To a small extent.
East Barnet Valley - L.G.D.	Yes	No	—
Hitchin - - - L.G.D.	Yes (a)	Yes (b)	(a) Sulphate of alumina is used. (b) The precipitate is sold as manure at 2s. 6d. per load.
KENT:			
Maidstone - - - M.B.	Yes (a)	No (b)	(a) By lime. (b) Given away.
Ashford - - - L.G.D.	Yes	Yes	—
Tonbridge - - - L.G.D.	Yes	(b)	(b) Not readily saleable.
LANCASTER:			
Accrington - - - M.B.	—	—	See the Accrington and Church Outfall Sewerage District.
Blackburn - - - C.B.	Yes (a)	No	(a) Rough lime precipitation and afterwards land irrigation.
Bolton - - - C.B.	Yes	No	—
Burnley - - - C.B.	Yes	Yes (b)	(b) 10d. per ton after treatment by filter presses and disintegrator.
Darwen - - - M.B.	Yes	No	—
Manchester - - - C.B.	Yes (a)	(b)	(a) It is treated with lime and sulphate of alumina. (b) The works just commenced. Not yet had much experience as to the disposal of the precipitate.
Nelson - - - M.B.	Yes	No	—
Rochdale - - - C.B.	Yes (a)	No	(a) For a portion of the sewage of the borough.
Salford - - - C.B.	Yes (a)	No (b)	(a) The sewage of the borough, estimated at 10,000,000 gallons per day, is now being treated with a mixture of lime and chemicals. (b) The estimated annual deposit of solid matters is 87,600 tons (wet sludge), which has been accumulated on the land at the sewage works. The corporation are about to establish a system for the deposit of the sludge.
Adlington - - - L.G.D.	Yes (a)	Yes (b)	(a) The alumino-ferrie treatment at present, and preparations are being made for precipitation by ferrozone, and filtration by polarite. (b) The precipitate has been sold at 8d. per ton, and realised about 5l. per annum.
Aspull - - - L.G.D.	Yes (a)	No	(a) Precipitation by lime in tanks for about 2,000 persons, but it will shortly be abandoned as the sewage will be treated by an adjoining authority by agreement.
Astley Bridge - - L.G.D.	Yes (a)	(b)	(a) The sewage is treated by quiescent precipitation, with lime as a precipitant, the effluent being afterwards filtered through a sand filter. (b) The precipitate was formerly purchased by farmers, but owing to the awkward access to the sewage works they will not now bring their carts for it. It is used as a manure on some grass land owned by the local board for cemetery purposes, and it appears to be very beneficial for the purpose.
Atherton - - - L.G.D.	Yes (a)	(b)	(a) At two outfalls, one of which has been in use since 1878, and the other since 1887. The precipitants used are lime and alumino-ferrie, and the sludge is not pressed. (b) The neighbouring farmers remove it, but the board have never been able to make a charge for it. Sometimes they have to bear part of the cost of carting in order to induce farmers to take it away.
Birkdale - - - L.G.D.	Yes (a)	No	(a) Lime precipitation.
Brierfield - - - L.G.D.	Yes (a)	No	(a) Lime precipitation and coke strainers.
Church - - - L.G.D.	—	—	See the Accrington and Church Outfall Sewerage District.
Dalton-in-Furness - L.G.D.	Yes (a)	Yes (b)	(a) Lime precipitation. (b) 9d. per ton.
Farnworth - - - L.G.D.	Yes	No (b)	(b) The farmers cart it away without cost to the board, and use it on the land.
Heaton Norris - - L.G.D.	Yes	(b)	(b) Carted away by farmers.
Hindley - - - L.G.D.	Yes	No	—
Horwich - - - L.G.D.	Yes (a)	(b)	(a) Lime is used. (b) No sale has yet been effected; all is carted to the board's farm and mixed with town refuse.

PART I.—RETURN showing the Urban Sanitary Districts and Contributory Places in Rural Sanitary Districts in England and Wales, &c.—*continued.*

Names of Administrative Counties and Urban Sanitary Districts.	Whether any system for Treatment of Sewage by Precipitation is in operation.	Whether the Precipitate is of a Saleable Value.	OBSERVATIONS.
	1.	2.	3.
ENGLAND— <i>continued.</i>			
LANCASTER— <i>continued.</i>			
Ince-in-Makerfield - L.G.D.	Yes (a)	(b)	(a) By lime and aluminio-ferrie cake. (b) Very few loads sold. As a rule it is given to anyone who will fetch it away.
Littleborough - - L.G.D.	Yes	No	—
Milnrow - - L.G.D.	Yes	(b)	(b) Not yet tested, but thought to be of some value for land.
Newton-in-Makerfield - I.A.D.	Yes	No	—
Norden - - L.G.D.	Yes	No	—
Prestwich - - L.G.D.	Yes	Yes (b)	(b) There is a distinct manurial value in this sludge, but hitherto the board have not actually sold any, being satisfied to have it removed from the works by the neighbouring farmers regularly throughout the year.
Royton - - L.G.D.	Yes (a)	(b)	(a) The system in operation is that of the International Water and Sewage Purification Company, Limited. (b) The local board have only just recently completed the erection of plant for obtaining pressed sewage sludge, and therefore cannot yet say whether it will prove to be of saleable value or not.
Swinton and Pendlebury. L.G.D.	Yes (a)	(b)	(a) The sewage is treated by precipitation and filtration; precipitation by Ferrozone, and filtration through Polarite filters. (b) The precipitate is not sold, but the farmers are allowed to cart it away for farming purposes.
Turton - - L.G.D.	Yes	No	—
Upholland - - L.G.D.	(a)	(b)	(a) A portion from the village. (b) Not of sufficient quantity.
Whitefield - - L.G.D.	Yes (a)	No	(a) At works at which the sewage of about one-half the area of the district is treated. The remaining part of the district is in a different watershed, and is proposed to be treated by a scheme now under the consideration of the Local Government Board.
LEICESTER:			
Hinckley - - L.G.D.	Yes (a)	No (b)	(a) System partly by precipitation and partly by broad irrigation. Sewage flows over blocks of aluminio-ferrie into beds, thence on to the land. (b) It is conveyed in the form of sludge and spread on the land.
Melton Mowbray - - L.G.D.	Yes (a)	No (b)	(a) Lime. (b) Cannot even be given away.
LINCOLN:			
Parts of Holland:			
Spalding - - I.A.D.	Yes (a)	No	(a) The sewage of about one-tenth part of the urban district is treated by precipitation. The sewage of the remaining nine-tenths of the district is not so treated.
Parts of Lindsey:			
Lincoln - - C.B.	Yes (a)	(b)	(a) By lime and sulphate of iron. (b) Partly; yearly average for the last five years of precipitate when pressed into sludge "cake," 4,210 tons; yearly average sold, 1,120 tons.
Horncastle - - L.G.D.	Yes (a)	Yes	(a) The aluminio-ferrie system.
MIDDLESEX:			
Acton - - L.G.D.	Yes	Yes	—
Brentford - - L.G.D.	Yes	No	—
Chiswick - - L.G.D.	Yes	No	—
Ealing - - L.G.D.	Yes (a)	(b)	(a) For nearly 30 years the sewage has been treated by precipitation. Lime (per gallon) 12 grains; clay, 12 grains; sulphate of alumina, aluminio-ferrie, or carbteralum, three grains. (b) Not at Ealing. Some years ago, when the neighbourhood was of a more rural character, the farmers would pay 1s. per load for it, and large crops, particularly mangold wurtzel, were raised; but of late years, since about 1880, land has either been occupied for building purposes, or market gardens, and nursery grounds, and the sludge or precipitate could not be given away. Most of the precipitate is burned with the house refuse in the destructor, and so utilised as a steam producer.

PART I.—RETURN showing the Urban Sanitary Districts and Contributory Places in Rural Sanitary Districts in England and Wales, &c.—continued.

Names of Administrative Counties and Urban Sanitary Districts.	Whether any system for Treatment of Sewage by Precipitation is in operation.	Whether the Precipitate is of a Saleable Value.	OBSERVATIONS.
	1.	2.	
ENGLAND—continued.			
MIDDLESEX—continued.			
Finchley - - - L.G.D.	Yes (a)	(b)	(a) The treatment adopted is first by precipitation in tanks, the chemicals used being sulphate of alumina, three to six grains per gallon, and milk of lime, five to 10 grains per gallon; after settling for a minimum time of four hours, the sewage is purified by broad irrigation and downward filtration, the area of land utilized being 30 acres grass land, 12 acres market garden land, two acres osiers, and four acres filter beds. The quantity of sewage dealt with is 600,000 gallons per 24 hours dry-weather flow, and about 2½ million gallons storm flow. (b) The precipitated sludge is partly pressed by machinery, and a portion in dry weather pumped in a liquid state upon the land, which being of a heavy character is much benefited thereby, not from any manurial value in the sludge (which it retains but little) but from the disintegration of the soil by the grit, &c., contained in the soil sludge. There is no sale for the precipitate; in fact, it is of more value to the board for the purpose mentioned, the result being that during the four years the sludge has been used in this manner, it has so increased the porosity of the soil that it is enabled to absorb quite 10 per cent. more sewage without in any way affecting the quality of the effluent, which is remarkably good.
Friern Barnet - - - L.G.D.	Yes (a)	No	(a) By means of lime and sulphate of alumina.
Hampton Wick - - - L.G.D.	—	—	The sewage is pumped to the Kingston-on-Thames Borough Sewerage Works. See Kingston-on-Thames.
Hanwell - - - L.G.D.	Yes (a)	(b)	(a) Lime and sulphate of alumina process. (b) Farmers cart it away after it has drained and dried, but pay nothing for the precipitate.
Hendon - - - L.G.D.	Yes (a)	Yes	(a) The Ferrozone and Polarite system of the International Water and Sewage Purification Company has been in successful use since 1889, in consequence of the previous treatment by lime as a precipitant, and land filtration having failed.
Heston and Isleworth - L.G.D.	Yes	No	—
Hornsey - - - L.G.D.	Yes (a)	No (b)	(a) Lime only is used; the effluent is afterwards passed over a large area of land. (b) During hot weather the sludge is pressed and mixed with stable manure for farm purposes. In cold weather it is pumped into "stanks," and the superfluous moisture filters off and evaporates; afterwards the sludge cake is used for manure. It is, however, of little value for the latter purpose.
Southall Norwood - L.G.D.	Yes	No (b)	(b) The precipitate is used on the farm for agricultural purposes.
Teddington - - - L.G.D.	Yes	(b)	(b) None has yet been sold as the works were only opened in the middle of last year. The board contemplate offering to sell it at 1s. per load. Some has been applied for.
Twickenham - - - L.G.D.	Yes (a)	No	(a) Only partial, being principally filtration.
Uxbridge - - - L.G.D.	Yes (a)	Yes (b)	(a) A new system is about to be inaugurated. (b) Realising about 3s. per ton.
Willesden - - - L.G.D.	Yes (a)	No (b)	(a) The sewage of the northern portion of the district, consisting of about 23,000 inhabitants, is treated by precipitation by lime and sulphate of alumina, the effluent being again treated by intermittent filtration. (b) Nearly 1,000 tons now upon the ground which cannot be disposed of.
NORTHAMPTON:			
Daventry - - - M.B.	Yes (a)	Yes (b)	(a) The sewage of this borough is treated by the International system with satisfactory results. (b) The precipitate is sold at 1s. 6d. per load at the works.
Kettering - - - L.G.D.	Yes (a)	(b)	(a) For several years; and since July 1893 a special one called Hope's Bacillite process. (b) Formerly produced 1s. per ton at the works, afterwards 6d., but latterly has been unsaleable. No result to report since use of Hope's process.
Oundle - - - I.A.D.	Yes	Yes	—

PART I.—RETURN showing the Urban Sanitary Districts and Contributory Places in Rural Sanitary Districts in England and Wales, &c.—*continued.*

Names of Administrative Counties and Urban Sanitary Districts.	Whether any system for Treatment of Sewage by Precipitation is in operation.	Whether the Precipitate is of a Saleable Value.	OBSERVATIONS.
1.	2.	3.	
ENGLAND— <i>continued.</i>			
NORTHUMBERLAND :			
Alnwick and Canongate, L.G.D.	(a)	(b)	(a) The sewage of Canongate; a very small portion of the district is treated by the Duke of Northumberland on the Condors Ferrosulphate Precipitation system. (b) The catchpits are in private grounds owned by the Duke of Northumberland, and the sludge is cleaned out from time to time and mixed with other manure in a large compost heap which is used as a top dressing for his grass lands; value not ascertained.
OXFORD :			
Henley-on-Thames - M.B.	Yes (a)	No (b)	(a) Ferrozone. (b) It has to be given away.
SALOP :			
Wellington - - - I.A.D.	Yes (a)	(b)	(a) On a small scale, newly constructed. (b) Not sufficiently tested at present.
SOMERSET :			
Chard - - - M.B.	Yes	Yes	—
Taunton - - - M.B.	Yes (a)	Yes (b)	(a) Sodium process. (b) Great demand for the sludge in the district for agricultural purpose.
Frome - - - L.G.D.	Yes (a)	(b)	(a) Six tanks, 50 feet by 50 feet by 4 feet 6 inches, receive the sewage, which previous to running into the tanks is treated with lime and iron salts; during the summer months permanganate of soda is added. (b) Not able to obtain any payment, but it is readily removed by the farmers of the neighbourhood, and is used to grow roots and to dress wheat.
SOUTHAMPTON :			
Southampton - - C.B.	Yes	Yes (b)	(b) 1s. per one horse load.
Aldershot - - - L.G.D.	Yes	(b)	(b) A few years ago a small sum, about 6d. per load, was obtained for the sludge partially dried by evaporation; recently no sale, and it is now given away, but if it accumulates the board pay for cartage away.
Alton - - - L.G.D.	Yes (a)	No	(a) The sewage is treated with lime and ferrozone.
Shirley and Freemantle L.G.D.	Yes	(b)	(b) It is disposed of.
STAFFORD :			
Burton-upon-Trent - M.B.	Yes (a)	(b)	(a) The sewage is treated with lime at the pumping station, and the mixture is then pumped on to the farm. (b) The precipitate is deposited on the land, which naturally disposes of it by aeration, &c.
Hanley - - - C.B.	Yes (a)	No (b)	(a) Precipitation by lime, the effluent water from the tanks being afterwards filtered through land. (b) The district being surrounded by populous towns, the distance to agricultural land is apparently too great for sale of precipitate.
Lichfield - - - M.B.	Yes	(b)	(b) Very slight, practically none.
Newcastle-under-Lyme - M.B.	Yes (a)	No	(a) There are six settling tanks 125 feet by 25 feet by 4 feet, average depth.
Stoke-upon-Trent - M.B.	Yes (a)	(b)	(a) Precipitation and irrigation. (b) The precipitate is mixed with nightsoil and screened ashes, boated into the country and sold at 20s. per boat load (delivered), viz., 1s. per ton; a ready sale is not obtained even at that price. Some portion is also put on the land.
Tamworth - - - M.B.	Yes (a)	Yes (b)	(a) Ives' patent precipitating tanks. (b) It is of some value as a manure, but at present it is given away in a liquid form.
Walsall - - - C.B.	Yes (a)	(b)	(a) New precipitation works for treating the sewage with lime and aluminio-ferric have just been opened. (b) It is not expected that the precipitate will be of a saleable value. Farmers in the neighbourhood may draw it away for manure, but it is not expected that they will pay for it.
Wolverbury - - - M.B.	Yes	(b)	(b) Up to the present time the corporation have used the precipitate upon their own land. It is anticipated that any surplus could be sold to farmers and others at a nominal price.

PART I.—RETURN showing the Urban Sanitary Districts and Contributory Places in Rural Sanitary Districts in England and Wales, &c.—*continued.*

Names of Administrative Counties and Urban Sanitary Districts.	Whether any system for Treatment of Sewage by Precipitation is in operation. 1.	Whether the Precipitate is of a Saleable Value. 2.	OBSERVATIONS. 3.
ENGLAND— <i>continued.</i>			
STAFFORD— <i>continued.</i>			
Wolverhampton - - - C.B.	Yes (a)	(b)	(a) A system of precipitation is adopted in treating the sewage of this borough, but the effluent is subsequently passed over and through land for further purification. (b) The precipitate is deemed to be of saleable value, but in view of the large quantities which have accumulated, and the necessity of disposing of it, the precipitate is at the present time given away.
Biddulph - - - L.G.D.	Yes (a)	No	(a) In connection with irrigation.
Brierley Hill - - L.G.D.	Yes	Yes	—
Darlaston - - - L.G.D.	Yes (a)	(b)	(a) Precipitation, quiescence, and land filtration. (b) The precipitate is not sold, but is treated on the land, which is let to a tenant.
Handsworth - - L.G.D.	—	—	See the Birmingham, Tame, and Rea Drainage District.
Smethwick - - - L.G.D.	—	—	See the Birmingham, Tame, and Rea Drainage District.
Tettenhall - - - L.G.D.	Yes	No	—
Tipton - - - L.G.D.	Yes	No (b)	(b) So little farming is carried on in the district that it is not of a saleable value here.
Tunstall - - - L.G.D.	Yes (a)	No	(a) The lime process.
SURREY :			
Kingston-on-Thames - M.B.	Yes (a)	Yes (b)	(a) That known as the A. B. C. system is here at present carried out by the Native Guano Company as lessees and contractors under the corporation. (b) The company dispose of the treated precipitate on their own account. It is sold under the name of Native Guano, and is in the form of a dry powder.
Richmond - - - M.B.	—	—	See the Richmond Main Sewerage District.
Barnes - - - L.G.D.	—	—	See the Richmond Main Sewerage District.
Dorking - - - L.G.D.	Yes (a)	Yes	(a) Precipitation by chemicals, with subsequent downward filtration.
Epsom - - - L.G.D.	Yes (a)	No	(a) But only to a very small extent.
New Malden - - L.G.D.	Yes	(b)	(b) No charge is made by the Board. Farmers cart the precipitate away free of cost.
Surbiton - - - L.A.D.	(a)	(b)	(a) (b) The Surbiton Commissioners have arranged temporarily with the Borough of Kingston to take the sewage of Surbiton, and treat it at the Kingston Works. See Kingston-on-Thames.
Sutton - - - L.G.D.	Yes (a)	(b)	(a) By milk of lime and sulphate of iron. (b) None has been sold as yet. Works have not been in operation long.
Wimbledon - - L.G.D.	Yes	(b)	(b) About one-fourth is sold at 1s. per ton.
SUSSEX, EAST :			
Hastings - - - C.B.	Yes (a)	(b)	(a) The porous carbon and lime system is in operation at the outfall works. (b) It is not found to be so in this district.
SUSSEX, WEST :			
Horsham - - - L.G.D.	Yes (a)	Yes (b)	(a) The sewage from the district is chemically treated, and the sewage precipitated is pressed. (b) The pressed sludge is sold at from 1s. to 2s. a load, to be carted away by the purchasers.
WARWICK :			
Birmingham - - C.B.	—	—	See the Birmingham, Tame, and Rea Drainage District.
Coventry - - - C.B.	Yes	Yes (b)	(b) About five-eighths of the precipitate has been sold, the amount realised being 187l. 17s. only for 4,367 tons.
Sutton Coldfield - - M.B.	—	—	See the Birmingham, Tame, and Rea Drainage District.
Aston Manor - - L.G.D.	—	—	See the Birmingham, Tame, and Rea Drainage District.
Nuneaton and Chilvers L.G.D. Coton.	Yes (a)	(b)	(a) Precipitation and filtration afterwards through sand and "polarite." (b) It is readily taken away by the farmers after being pressed, but no charge is made for it.

PART I.—RETURN showing the Urban Sanitary Districts and Contributory Places in Rural Sanitary Districts in England and Wales, &c.—*continued.*

Names of Administrative Counties and Urban Sanitary Districts.	Whether any system for Treatment of Sewage by Precipitation is in operation. 1.	Whether the Precipitate is of a Saleable Value. 2.	OBSERVATIONS. 3.
ENGLAND— <i>continued.</i>			
WESTMORLAND :			
Ambleside - - - L.G.D.	Yes (a)	Yes (b)	(a) The sewage matter is drained into settling tanks and precipitated by the use of lime. (b) The precipitate has just been sold by tender for the sum of 9 <i>l.</i> 5 <i>s.</i> for the coming twelve months.
Bowness - - - L.G.D.	Yes	Yes	—
WILTS :			
Devizes - - - M.B.	Yes	No	—
New Sarum (Salisbury) M.B.	Yes	Yes (b)	(b) To a small extent.
New Swindon - - L.G.D.	Yes	No (b)	(b) The Board has to give away sludge to neighbouring tenant farmers.
Old Swindon - - L.G.D.	Yes (a)	No	(a) Combined with broad irrigation.
WORCESTER :			
Evesham - - - M.B.	Yes	Yes	—
Oldbury - - - L.G.D.	Yes	No (b)	(b) May be in agricultural districts, of which Oldbury is not one.
YORK :			
East Riding :			
Beverley - - - M.B.	Yes	No	—
North Riding :			
Skelton and Brotton - L.G.D.	Yes	No	—
West Riding :			
Batley - - - M.B.	Yes (a)	No	(a) Milk of lime is used. The effluent is filtered through a deep bed of coke.
Bradford - - - C.B.	Yes	No	—
Huddersfield - - C.B.	Yes	(b)	(b) It is not thought to be so. There has been no sale for it as yet. Works opened May 1893.
Leeds - - - C.B.	Yes	No	—
Ossett - - - M.B.	Yes (a)	No	(a) By lime treatment.
Pontefract - - - M.B.	Yes (a)	Yes (b)	(a) Precipitation by lime and salt water and filtration. (b) Finds very ready sale.
Sheffield - - - C.B.	Yes	(b)	(b) Not to the corporation, as they are put to a large expense in disposing of it.
Birkenshaw - - - L.G.D.	Yes	(b)	(b) The Local Board allow anyone to cart it away free of charge.
Birstal - - - L.G.D.	(a)	(b)	(a) (b) The Board had made arrangements for the putting down of the patent sewage filtering and sludge compressing plant invented by Mr. William Birch of Manchester, and hoped to have it in operation by the latter end of February 1894.
Dodworth - - - L.G.D.	Yes	No	—
Eccleshill - - - L.G.D.	(a)	No	(a) The sewage from about two-thirds of the district is passed over a part of the Board's Sewage Farm, and then collected in a series of settling tanks, through the earth sides of which the effluent passes into the Beck. From the remaining one-third of the district the sewage is collected into tanks, and there treated with chemicals called aluminoferric; after this treatment the sewage passes through a range of settling tanks, and the effluent passes to the same Beck as above mentioned.
Featherstone - - L.G.D.	Yes	(b)	(b) We have about 28 acres of land on which we use the precipitate as manure with very good results.
Golcar - - - L.G.D.	Yes	(b)	(b) The Board have not been able to find a purchaser, but there can be no doubt that the product is of some value. Trees and bushes planted therein have thriven well.

PART I.—RETURN showing the Urban Sanitary Districts and Contributory Places in Rural Sanitary Districts in *England and Wales, &c.*—*continued.*

Names of Administrative Counties and Urban Sanitary Districts.	Whether any system for Treatment of Sewage by Precipitation is in operation.	Whether the Precipitate is of a Saleable Value.	OBSERVATIONS.
	1.	2.	3.
ENGLAND—continued.			
YORK—West Riding—continued.			
Guiselley - - - L.G.D.	es	(b)	(b) It is considered of a saleable value, but none has been sold up to the present time.
Hipperholme - - L.G.D.	Yes	Yes	—
Holme - - - L.G.D.	Yes	Yes	—
Hoyland Nether - - L.G.D.	Yes (a)	(b)	(a) In one small district. (b) Not always. Sometimes it is sold to the farmers at a low price, but more often it is given away.
Ilkley - - - L.G.D.	Yes (a)	Yes (b)	(a) The sewage is precipitated in tanks by the aid of alumino-ferrie, the effluent being afterwards filtered through land. (b) The sludge or precipitate, which is from a purely domestic sewage, is sold at 1s. per load for agricultural purposes.
Liversedge - - - L.G.D.	Yes	No	—
Mexborough - - - L.G.D.	Yes	No	—
Normanton - - - L.G.D.	Yes (a)	No (b)	(a) The International Water and Sewage Purification Company's Polarite and Ferrozone system. (b) Its value has not yet been ascertained.
North Bierley - - L.G.D.	Yes (a)	No (b)	(a) Lime and alumino-ferrie are used for precipitation. (b) The sludge is spread on our own farm land, but it is of little value as manure.
Otley - - - L.G.D.	Yes	No	—
Queensbury - - - L.G.D.	(a)	No	(a) A system is in operation at the manufactory of Messrs. John Foster & Sons, Limited, Black Dike Mills, within this district, whereby they treat not only their own sewage but that of a portion of the Local Board's district by lime precipitation.
Rothwell - - - L.G.D.	Yes	No	—
Sandal Magna - - L.G.D.	Yes	No	—
South Crosland - - L.G.D.	Yes	(b)	(b) Cannot say; no person has been willing to purchase. The Board are glad to get it removed without receiving anything therefor.
Swinton - - - L.G.D.	Yes	No	—
Tong - - - L.G.D.	Yes (a)	No	(a) By lime.
Wath-upon-Dearne - L.G.D.	Yes (a)	(b)	(a) The International system. (b) The process has not been in use a sufficient length of time to state definitely.
Yeadon - - - L.G.D.	Yes	No	—

JOINT SEWERAGE AND DRAINAGE DISTRICTS.

Names of Joint Sewerage and Drainage Districts.	Whether any system for Treatment of Sewage by Precipitation is in operation.	Whether the Precipitate is of a Saleable Value.	OBSERVATIONS.
	1.	2.	
Accrington and Church Outfall Sewerage District.	Yes	No	—
Birmingham, Tame, and Rea Drain- age District.	Yes (a)	No	(a) Partial treatment by precipitation with lime in tanks, and subsequent filtration of the effluent through land.
Richmond Main Sewerage District -	Yes	(b)	(b) In the opinion of the Main Sewerage Board the precipitate is of a saleable value, but there is no demand for it in the neighbourhood of the works, and the cost of carriage prevents them from disposing of it at a profit elsewhere.

RURAL SANITARY DISTRICTS.

Where the Rural Sanitary District is in more than one Administrative County it is entered under that County in which the Contributory place is situate.

Names of Administrative Counties and Rural Sanitary Districts.	Names of Contributory Places in which Systems for treating Sewage by Precipitation are in operation.	Whether the Precipitate is of a Saleable Value.	OBSERVATIONS.
1.	2.	3.	
ENGLAND :			
BUCKINGHAM :			
Potterspury - - -	Wolverton - - -	(b)	(b) It is sold annually by tender.
CHESTER :			
Altrincham - - -	Knutsford Inferior and Knutsford Superior (a).	Yes (b)	(a) A joint scheme. (b) Sold for some years past at 1s. per load.
Stockport - - -	Hazeln Grove - - -	No	—
DERBY :			
Bakewell - - -	Cromford (a) - - -	(b)	(a) Only recently completed ; fair trial has not been given them yet. These works have not been constructed by the authority, but by Mr. F. C. Arkwright, J.P., the owner of the parish. (b) Not at present.
Eccleshall Bierlow - -	Norton - - -	—	The sewage from this district is carried into the sewers of the City of Sheffield. See Sheffield.
DEVON :			
St. Thomas - - -	Heavitree (a) - - -	(b)	(a) Partly by precipitation, and partly by irrigation. (b) Not at present.
DORSET :			
Sherborne - - -	Sherborne - - -	No	—
DURHAM :			
Auckland - - -	Coundon - - -	Yes	—
Durham - - -	Elbet Rural Ward (a) -	No	(a) At Houghall Infectious Diseases Hospital.
	Sunderland Bridge (a) -	No	(a) At Croxdale Colliery.
Sedgefield - - -	Sedgefield - - -	No	—
ESSEX :			
Billericay - - -	Brentwood (a) - - -	Yes	(a) With the South Weald and Shenfield Special Drainage District.
Epping - - -	Chigwell, Chingford, and Loughton.	Yes (b)	(b) But to a small amount only.
Tendring - - -	Ardleigh, Frinton, Ram- sey, and St. Osyth.	Yes	—
GLOUCESTER :			
Chipping Sodbury - -	Wickwar (a) - - -	No	(a) Precipitation by copperas.
Gloucester - - -	Barnwood (a) - - -	No	(a) In this contributory place, the sewage of one institution is treated by a process of chemical precipitation, known as the aluminiferous system, and it is then run over and through about two acres of grass land deep drained.
Stroud - - -	Stonehouse and Minch- inghampton.	No	—
Westbury-on-Severn -	East Dean - - -	No	—
HEREFORD :			
Weobley - - -	Weobley - - -	Yes	—
HERTFORD :			
St. Albans - - -	Wheathamstead - - -	No	—
KENT :			
Eastry - - -	Ash-next-Sandwich -	No	—
Malling - - -	West Malling - - -	Yes	—

Rural Sanitary Districts—*continued.*

Names of Administrative Counties and Rural Sanitary Districts.	Names of Contributory Places in which Systems for treating Sewage by Precipitation are in operation. 1.	Whether the Precipitate is of a Saleable Value. 2.	OBSERVATIONS. 3.
ENGLAND—<i>continued.</i>			
LANCASTER :			
Barton-upon-Irwell	- Boothstown and Clifton	No (b)	(b) Farmers take it and use it on their land, but will not pay for it.
Bolton - - -	- Sharples - - -	No	—
Chorley - - -	- Coppall (a) - - -	No	(a) Systems for treating sewage by precipitation will very shortly be in operation in the following contributory places :—Anderton and Heath Charnock, Heapey and Wheelton, Eccleston, Euxton, Clayton-le-Woods and Whittle-le-Woods.
Leigh - - -	- Golborne - - -	No	—
MIDDLESEX :			
Hendon - - -	- Harrow (a) - - -	No	(a) The rural part of the parish, viz. : at the "Alperton" Sewage Farm, the sewage is precipitated by sulphate of alumina and lime, but the authority have no sludge presses, and hence, cannot, at most times of the year easily dispose of it, so have to dig it into the soil on land set apart for that purpose.
OXFORD :			
Banbury - - -	- Boddicote - - -	No	—
SALOP :			
Atcham - - -	- Meole Brace - - -	Yes	—
Wellington - - -	- Wonbridge - - -	Yes	—
SOMERSET :			
Chard - - -	- Crewkerne - - -	(b)	(b) The precipitate is sold at a small charge in some cases, in others given away.
Frome - - -	- Nunney - - -	Yes	—
Langport - - -	- Somerton (a) - - -	No	(a) By means of ferrozone.
Wincanton - - -	- Wincanton, Castle Cary, and Milborne Port.	Yes (b)	(b) Of some small value.
SOUTHAMPTON :			
Fareham - - -	- Cosham - - -	(b)	(b) The precipitate is placed on the Sewage Farm, which is let by the authority. There would be a small saleable value to same.
Hartley Wintney - - -	- Farnborough (a) - - -	No	(a) Precipitation and irrigation.
STAFFORD :			
Tamworth - - -	- Glascote - - -	—	See Under Warwick Administrative County.
SURREY :			
Croydon - - -	- Beddington, Merton, Mitcham, Morden, and Wallington.	No	(a) Combined system ; partly irrigation, partly filtration, and partly precipitation.
Hambledon - - -	- Cranleigh - - -	Yes	—
Kingston - - -	- Tolworth, Hook and Southborough District, and Esher and Ditton District.	No (b)	(b) Sometimes a few loads are sold at 1s. per load, but it is gladly given away.
SUSSEX, EAST :			
Battle - - -	- Hollington - - -	(b)	(b) The sludge is used as a fertiliser upon the Sewage Farm. Has no saleable value apart from above use.
East Grinstead - - -	- Worth - - -	Yes	—
Hailsham - - -	- Hailsham (Polegate) (a)	(b)	(a) The sewage from the district of Polegate is treated on what is known as the "Taunton System" of precipitation. (b) The receipt from sale of the precipitate in about six years has amounted to 14.
Rye - - -	- Icklesham Parish ; Winchelsea Sewerage.	No	—
WARWICK :			
Atherstone - - -	- Atherstone (a) - - -	(b)	(a) Sewage treated with lime and aluminio-ferrie, then passed over land. (b) 6d. a cart load for the sludge.
Solihull - - -	- Knowle, Solihull, and Yardley.	No	—

Rural Sanitary Districts—*continued*.

Names of Administrative Counties and Rural Sanitary Districts.	Names of Contributory Places in which Systems for treating Sewage by Precipitation are in operation.	Whether the Precipitate is of a Saleable Value.	OBSERVATIONS.
1.	2.	3.	
ENGLAND— <i>continued</i> .			
WARWICK— <i>continued</i> .			
Southam - - -	Southam - - -	No	—
Tamworth - - -	Glascote (a) - - -	(b)	(a) The Ives patent tanks are in use, and are also being put down in Fazeley and Kingsbury. So far the system has been successful, and the authority propose to put more down in other contributory parishes. (b) The precipitate is drawn away and used by farmers and market gardeners, who are very anxious to obtain it. No charge is yet made, but it is hoped that shortly it will be possible to obtain a few shillings a ton.
WILTS:			
Chippenham - - -	Box - - -	No	—
	Corsham - - -	(b)	(b) Removed free of expense to the authority, but at present it has no saleable value.
Mere - - -	Mere (town) - - -	Yes	—
YORK (NORTH RIDING):			
Easingwold - - -	Raskelf - - -	No	—
YORK (WEST RIDING):			
Hemsworth - - -	Hemsworth, Shafton, and Ryhill.	Yes	—
Hunslet - - -	Oulton - with - Woodlesford.	Yes (b)	(b) It is sold at a small price.
Tadcaster - - -	(a)	(b)	(a) (b) Throughout the Tadcaster district there is no real system of treating sewage by chemical precipitation. The nearest approach to that method is at Garforth, where the tanks have had lime added, and the resulting sediment has been occasionally sold at 6d. per load.
Wakefield - - -	Alverthorpe-with-Thornes, East Ardsley, and Sharlston (partially).	No	—
Wortley - - -	—	—	The sewage of a large part of the Ecclesfield and Bradfield contributory districts is treated by agreement with the Sheffield Corporation at their works. (See Sheffield.) Precipitation works are approaching completion for the village of Ecclesfield in the first-named contributory district.
WALES:			
RADNOR:			
Builth - - -	Llandrindod - - -	(b)	(b) These works have only recently been finished, and no arrangement has yet been made as to the disposal of the sludge.

PART II.

LIST of SANITARY DISTRICTS in which Systems for treating Sewage by Precipitation were not in operation at the Date of the Returns.

BOROUGH S.

The County Boroughs have the letters C.B. following their Names.

Aberavon. Aberystwith. Abingdon. Aldeburgh. Andover. Appleby. *Arundel. Ashton-under-Lyne. Bacup. Banbury. Bangor. Barnsley. Barnstaple. Barrow-in-Furness C.B. Basingstoke. *Bath C.B. Beaumaris. Beccles. Bedford. Berwick-on-Tweed. Bewdley. Bideford. Birkenhead C.B. Bishop's Castle. Blackpool. Blandford Forum. Bodmin. Bootle C.B. Boston. Bournemouth. Brackley. Brecknock. Bridgnorth. Bridgwater. Bridport. Brighouse. Brighton C.B. (a.) Bristol C.B. Buckingham. Burslem. *Bury C.B. Bury St. Edmunds. Calne. Cambridge. Canterbury C.B. Cardiff C.B. Cardigan. Carlisle. Carmarthen. Carnarvon. Chatham. Chelmsford. Cheltenham. Chesterfield. *Chichester. Chippenham. Chipping Norton. *Chorley. Christchurch. Clitheroe. Congleton. Conway. Cowbridge. Crewe. Croydon C.B. Darlington. Dartmouth Hardness.	Deal. Denbigh. Derby C.B. Devonport C.B. Dewsbury. Doncaster. Dorchester. Dover. Droitwich. Dudley C.B. (b.) Dunstable. Durham. Eastbourne. East Retford. *Eccles. Exeter C.B. Eye. Faversham. Flint. Gateshead C.B. Glastonbury. Glossop. Gloucester C.B. Godalming. Godmanchester. Grantham. Gravesend. Grimsby C.B. Great Torrington. Great Yarmouth C.B. *Guildford. *Halifax C.B. Harrogate, High and Low. Hartlepool. Harwich. Haslingden (c.) Haverfordwest. Hedon. Helston. Heywood. Higham Ferrers. Honiton. Huntingdon. Hythe. Ilkeston. Ipswich C.B. Jarrow. Keighley. Kendal. Kidderminster. Kidwelly. King's Lynn. Kingston-upon-Hull C.B. Lampeter. Lancaster. *Launceston. Leicester C.B. Leominster. Lewes. Liskeard.	Liverpool C.B. Llandoverly. Llanfyllin. Llanidloes. Longton. Lostwithiel. Loughborough. Louth. Lowestoft. *Ludlow. Luton. Lydd. Lyme Regis. Lymington. Macclesfield. Maidenhead. Maldon. Malmesbury. Mansfield. Margate. Marlborough. Middlesbrough C.B. Middleton. Monmouth. Montgomery. Morley. Morpeth. *Mossley. Neath. Newark. Newbury. Newcastle-on-Tyne C.B. Newport (I. of W.). Newport (Monmouth) C.B. New Romney. New Windsor. Northampton C.B. Norwich C.B. Nottingham C.B. Okehampton. *Oldham C.B. Oswestry. Oxford C.B. Pembroke. Penryn. Penzance. Peterborough. Plymouth C.B. Poole. Portsmouth C.B. Preston C.B. Pwllheli. Queenborough. Ramsgate. Rawtenstall (c.) Reading C.B. *Reigate. Richmond (Yorks). *Ripon. Rochester. Romsey. Rotherham.	Royal Leamington Spa. Ruthin. Ryde. Rye. St. Albans. St. Helen's C.B. St. Ives (Cornwall). St. Ives (Hunts). Saltash. Sandwich. Scarborough. Shaftesbury. Shrewsbury. Southend-on-Sea. South Molton. Southport. South Shields C.B. Southwold. Stafford. Stalybridge. Stamford. *Stockport C.B. Stockton-on-Tees. Stratford-on-Avon. Sudbury. Sunderland C.B. Swansea C.B. Tenby. Tenterden. Tewkesbury. Thetford. Thornaby-on-Tees. Tiverton. Torquay. Totnes. Truro. Tunbridge Wells. Tynemouth. Wakefield. Wallingford. Wareham. Warrington. Warwick. Wells. Welshpool. Wenlock. West Bromwich C.B. West Ham C.B. West Hartlepool. Weymouth and Melcombe Regis. Widnes. Wigan C.B. Wilton. Winchester. Wisbech (d.) Wokingham. Woodstock. *Worcester C.B. Workington. Worthing. Wrexham. Yeovil. *York C.B.
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* In these cases sewerage works are in course of construction or under consideration.

(a) Brighton.—In the Brighton intercepting and outfall Sewers District.

(b) Dudley.—Part of the County Borough is in the Upper Stour Valley Main Sewerage District.

(c) Haslingden.— } See Haslingden and Rawtenstall outfall Sewerage District.

(e) Rawtenstall.— }

(d) Wisbech.—In the Wisbech and Walsoken Main Sewerage District.

LOCAL GOVERNMENT AND IMPROVEMENT ACT DISTRICTS.

Abercarn. Aberdare. (<i>a</i>) Abergavenny. Abergele and Pensarn. *Abersychan. Aberthillery. Abram. Alfreton. Allerton. Altofts. Altrincham. Alvaston and Boulton. Amble. Amphill. Ardley. Arlecdon and Frizington. Arnold. *Ashbourne. Ashby-de-la-Zouch. Ashby Woulds. *Ashton-in-Makerfield. Aspatia. *Audenshaw. Audley. Austonley. Awre. Baildon. Bakewell. Bala. Baldock. Bampton. Barkisland. Barmouth. Barnard Castle. Barnet. *Barnoldswick. Barrowford Booth. Barry and Cadroxton. Barton-upon-Humber. Baslow and Bubnell. Battle. Beaconsfield. Beckenham. (<i>b</i>) Bedlingtonshire. Bedwelty. Beeston. Belper. Benfieldside. Benwell and Fenham. Bethesda. Bexhill. Bexley. Bicester. Biggleswade. Billinge. Bilston. Bingley. *Bingley I.A.D. Bishop Auckland. Bishop Stortford. Bisley. Blackrod. Blaenavon. Blaydon. Bognor. Bollington. Bolsover District. Bonsall. Bowdon. Bradford. Braintree. Brampton and Walton. Bredbury and Romiley. Bridgend. Bridlington. Brigg. Briton Ferry. Broadstairs and St. Peter's. Bromborough.	Bromley. (<i>b</i>) Bromsgrove (Country). Bromsgrove (Town). Broughton. Brownhills. Bryn-mawr. Budleigh Salterton. Buglawton. Builth. Bulkington. Burgess Hill. Burley. Burnham. Caerleon. Caerphilly. Calverley. Camborne. Cannock. Carlton. Carshalton. Castleford. *Castleton-by-Rochdale. Caversham. *Chadderton. Charlton Kings. Chatteris. Cheadle and Gatley. Chepstow. Cheshunt. Chesterton. Childwall. *Chorley. Cirencester. Clay Cross. Clayton. Clayton-le-Moors. (<i>c</i>) Cleckheaton. Cleethorpes. Clevedon. Coalville. Cockermouth. Coleford. Colne. Colwyn Bay and Colwyn. Consett. Coseley. Cottingham. Cowpen. Cramlington. Crediton. Criccieth. Cromer. *Crompton. Croston. Crowle. Cuckfield. *Cumberland and Cumberland Half (Upper Division). Dartford (<i>b</i>). *Darton. Dawley. Dawlish. Denby. Denholme. *Denton. Desborough. Diss. Dolgelley. Downham Market. Drighlington. Dronfield. *Droylesden. Dukinfield. East Cowes. East Dereham. East Grinstead. Eastleigh.	*East Molesey. East Stonehouse. Ebbw Vale. Edmonton. Egremont. Elland. Ellesmere. Emley. Enfield. Erith. Eston. Eton. Exmouth. Failsworth. Fareham. Farnham. Farnley Tyas. Farsley. Felixstowe and Walton. Felling. Fenton. Festiniog. Filey. Fleetwood. Flockton. Folkestone. Fulstone. Fulwood. Gainsborough. Garston. Gildersome. Gillingham. Glyncoiwg. Gomersal. Goole. Gorton. Gosport and Alverstoke. Grange. Grasmere. *Gray's Thurrock. Greasbrough. Great and Little Bowden. Market Harborough. Great Clacton. Great Crosby. Great Driffield. Great Harwood. (<i>c</i>) Greetland. Guisborough. Gunthwaite and Ingbirchworth. Hadleigh. Halstead. Ham Common. Hampton. Handsworth (York, W. R.) Hardingstone. Harrington. Harrow. Havant. Haverhill. Haworth. Hay. Haydock. Hayle. Hayward's Heath. Heage. Heanor. Hebburn. Heddon Bridge. Heckmondwike. Hepworth. Herne Bay. Hexham. Higher Bebington. Hinderwell. Holbeach.	Hollingworth. Holme Cultram. Holmfirth. Holyhead. Holywell. Honley. Hoole. *Horbury. Horfield. Hornsea. *Horsforth. Hove. (<i>d</i>) Howdon. Hoylake and West Kirby. Hoylandswaine. *Hucknall Torkard. Hucknall-under-Huthwaite. Hunstanton. Hunsworth. Hurst. Huyton-with-Roby. Idle. Ilfracombe. Ivy Bridge. Kearsley. Kenilworth. Keswick. Kids Grove. Kingsbridge. Kingsthorpe. Kingswood. Kington. Kinson. Kirkburton. Kirkby Lonsdale. Kirkham. Kirkheaton. Kirkleatham. Kirklington-cum-Upsland. *Knaresbrough and Tentergate. Knighton. *Knottingley. Lathom. Leadgate. Leek. Lees. Leigh. Leighton Buzzard. Lepton. Levenshulme. Leyland. Linthwaite. Litherland. Little Crosby. Littlehampton. Little Hulton. Little Lever. Little Woolton. Llandilo. Llandrindod Wells. Llandudno. Llanelli. Llanfairfechan. Llangefni. Llangollen. Llantarnam. Loftus. *Longridge. Long Sutton. Lower Bebington. Lower Brixham. Luddenden Foot. Ludgvan. Lymm. Lynton. Lytham.
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* In these cases sewerage works are in course of construction, or under consideration.

(*a*) Aberdare.—In the Merthyr Tydfil and Aberdare Farms Joint Management District.

(*b*) Beckenham.—
Bromley.—
Dartford.—
In the West Kent Main Sewerage District.

(*c*) Clayton-le-Moors.—
Great Harwood.—
In the Clayton-le-Moors and Great Harwood Joint Sewerage District.

(*d*) Hove.—In the Brighton Intercepting and Outfall Sewers District.

LOCAL GOVERNMENT AND IMPROVEMENT ACT DISTRICTS—continued.

Madron. Maesteg. Malton. Malvern. Malvern Link. Mansfield Woodhouse. March. Margam. Market Rasen. Marple. Marsden. Maryport. Masham. Melksham. Metham. Menai Bridge. Merthyr Tydfil. (a) Methley. Middlewich. Midgley. *Midsomer Norton. Milford. Millom. Milton-next-Sittingbourne. Minehead. Mirfield. *Mold. Monk Bretton. Morecambe. *Moss Side. Mottram-in-Longendale. Mountain Ash. Much Woolton. Mytholmroyd. Nantwich. Nantyglo and Blaina. Neston and Parkgate. Netherthong. Newbiggin-by-the-Sea. Newbold and Dunston. Newburn. Newhaven. Newmarket. *New Mills. Newnham. Newport (Salop). New Quay (Cardigan). Newquay (Cornwall). New Shoreham. New Sleaford. Newtown and Llanllw- chaarn. Normanby. Northallerton. Northam. North Darley. Northfleet. Northowram. North Walsham. Northwich. Norton. Oakworth. Ogmore and Garw. Ormesby. Ormskirk. Orrell. *Oswaldtwistle. Ottery St. Mary. *Oxenhope. Oystermouth. Padiham and Hapton. Padstow. Paignton. Panteg.	Paul. Pemberton. Penarth. Penistone. Penmaenmawr. Penrith. Petersfield. Phillack. Pickering. *Pocklington. Pontypool. Pontypridd. (b) Portcawl. Portishead. Portland. Prescot. Presteign District. *Pudsey. Quarry Bank. (c) Quickmere, Middle Division of. Quorndon. Radcliffe. Radstock. Rainford. *Ramsbottom. Ramsey. Ravensthorpe. Rawdon. Rawmarsh. Redcar. Reddish. Redditch. Redruth. Rhyl. Rhymney. Ripley. Kisca. *Rishton. Rishworth. Romford. Ross. Rothwell (Northampton). Rowley Regis. (e) Roxby-cum-Risby. Rugby. Rugeley. Runcorn. Rushden. Ruskington. Ryton. St. Ann's-on-the-Sea. St. Austell. St. George. St. Helen's. St. Mary Church. St. Neots. Salcombe. Sale. Saltburn-by-the-Sea. Sandbach. Sandgate. Sandown. Scammonden. Scholes. Scunthorpe. Seaford. Seabam Harbour. Seaton. Sedgley. Seghill. Selby. Sevenoaks. (d) Shanklin.	Sheepshed. Sheerness. Shelf. Shelley. Shepley. Shepton Mallet. Shildon and East Thicklely. Shipley. Short Heath. Sidmouth. Silsden. Sittingbourne. Skegness. Skelmanthorpe. Skelmersdale. Skipton. Slaithwaite. Slough. Smalthorne. *Soothill Nether. Soothill Upper. South Blyth. Southborough. South Cave and Wallingfen. South Darley. Southgate. South Gosforth. South Hornsey. Southowram. Southwick. Sowerby. *Sowerby Bridge. Soyland. Spennymoor. Staines. Stainland-with-Old Lindley. Standish-with-Langtree. Stanhope. Stanley. Stapleton. Stevenage. Stocksbridge. Stone. Stourbridge. (e) Stourport. Stowmarket. Stow-on-the-Wold. Street. Stretford. Sutton Bridge. Sutton-in-Ashfield. Swadlincote. Swaffham. Swanage. Tarporley. Teignmouth. Tetbury. Thame. *Thornhill. Thornton. Thurlstone. Thurmaston. Thurstonsland. Tickhill. Tadmorton. Tottenham. Tow Law. Towyn. Toxteth Park. Trawden. Tredegar. Tring. Trowbridge. Tyldesley-with-Shakerley. Uckfield.	Ulverston. Upper Llanfrechfa. Upper Mill. Upper Whitley. *Usk. Ventnor. Walker. Wallasey. Wallsend. Walmer. Walsoken. (f) Waltham Holy Cross. Walthamstow. Walton-le-Dale. Walton-on-the-Hill. Walton-on-the-Naze. Wanstead. Wantage. Ware. Warley. Warminster. Warsop. Waterloo-with-Seaforth. Watford. Wavertree. Wednesfield. *Wednesfield Heath, or Heath Town. Wellingborough. Wellington (Somerset). Wells. West Bridgford. Westbury-on-Severn. West Clayton. West Cowes. West Derby. Westhoughton. Weston-super-Mare. Wheatley. Whickham. Whitby. Whitechurch and Dodington. Whitehaven. Whitley and Monkseaton. Whittington. Whittlesey. Whitwood. Whitworth. Wigton. Willenhall. Willington. Willington Quay. Wilmslow. Wilsden. Wimborne. Windermere. Windsford. Winterton. *Wirksworth. Witham. Withington. Withnell. Witney. Wiveliscombe. Woking. Wombwell. Wood Green. Worksop. Worsborough. Wrotham. Wuerdale and Wardle. Yeardsley-cum-Whaley. Ynyscynhaiarn. Ystradyfodwg.
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* In these cases sewerage works are in course of construction, or under consideration.

(a) Merthyr Tydfil.—In the Merthyr Tydfil and Aberdare Farms Joint Management District.

(b) Pontypridd.— } In the Ystradyfodwg and Pontypridd Main Sewerage District.
Ystradyfodwg.— }

(c) Quarry Bank.— } In the Upper Stour Valley Main Sewerage District.
Rowley Regis.— }

(d) Sevenoaks.—In the Darent Valley Main Sewerage District.

(e) Stourbridge.—In the Stourbridge Main Drainage District.

(f) Walsoken.—In the Wisbech and Walsoken Main Sewerage District.

JOINT SEWERAGE AND DRAINAGE DISTRICTS.

Brighton Intercepting and Outfall Sewers District.
 *Clayton-le-Moors and Great Harwood Joint Sewerage District.
 Darenth Valley Main Sewerage District.
 *Haslingden and Rawtenstall Outfall Sewerage District.
 Merthyr Tydfil and Aberdare Farms Joint Management District.
 Stourbridge Main Drainage District.
 Upper Stour Valley Main Sewerage District.
 West Kent Main Sewerage District.
 Wisbech and Walsoken Main Sewerage District.
 Ystradgynodwg and Pontypridd Main Sewerage District.

RURAL SANITARY DISTRICTS.

Aberayron.	Bradford (Wilts).	Cricklade and Wootton	Grimsby.
Abergavenny.	Braintree.	Bassett.	Guildford.
Aberystwith.	Brampton.	Cuckfield.	Guilfordcross.
Abingdon.	Brecknock.		Guisborough.
Alcester.	Brentford.	Darlington.	
Alderbury.	Bridge.	Dartford. (b)	Halifax.
Alnwick.	Bridgend and Cowbridge.	Daventry.	Halstead.
Alresford.	Bridgnorth.	Depwade.	Haltwhistle.
Alston-with-Garrigill.	Bridgewater.	Derby.	Hardingstone.
Alton.	Bridlington.	Devizes.	Hartismere.
Amersham.	Bridport.	Docking.	Hartlepool.
Amesbury.	Brixworth.	Dolgelly.	Hastings.
Ampthill.	Bromley. (a)	Doncaster.	Hatfield.
Andover.	Bromsgrove.	Dorchester.	Havant.
Anglesey.	Bromyard.	Dore.	Haverfordwest.
Ashbourne.	Buckingham.	Dorking.	Hawarden.
Ashby-de-la-Zouch.	Buntingford.	Dover.	Hay.
Ashton-under-Lyne.	Burnley.	Downham.	Hayfield.
Aston.	Burton-on-Trent.	Drayton.	Headington.
Axbridge.	Bury.	Driffild.	Helmsley.
Axminster.		Droitwich.	Helston.
Aylesbury.		Droxford.	Hemel Hempstead.
Aylsham.		Dulverton.	Henley.
Aysgarth.		Dunmow.	Henstead.
		Dursley.	Hereford.
			Hertford.
Bala.	Caistor.	Easington.	Hexham.
Bangor and Beaumaris.	Calne.	East Ashford.	Highworth and Swindon.
Barnet.	Camelford.	Eastbourne.	Hinckley.
Barnsley.	Cannock.	Easthampstead.	Hitchin.
Barnstaple.	Cardiff.	East Preston.	Holbeach.
Barrow-on-Soar.	Cardigan.	East Retford.	Hollingburn.
Barton Regis.	Carlisle.	East Ward.	Holsworthy.
Basford.	Carmarthen.	Elham.	Holyhead.
Basingstoke.	Carnarvon.	Ellesmere.	Holywell.
Bath.	Castle Ward.	Ely.	Honiton.
Beaminster.	Catherington.	Epsom.	Hoo.
Bedale.	Caxton and Arrington.	Erpingham.	Horncastle.
Bedford.	Cerne.	Eton.	Horsham.
Bedminster.	Chailey.	Evesham.	Houghton-le-Spring.
Belford.	Chapel-en-le-Frith.		Howden.
Bellingham.	Cheadle.	Falmouth.	Hoxne.
Belper.	Chelmsford.	Farringdon.	Hungerford.
*Berkhamstead.	Cheltenham.	Farnham.	Huntingdon.
Berwick-on-Tweed.	Chepstow.	Faversham.	Hursley.
Beverley.	Chertsey.	Festiniog.	
Bicester.	Chester.	Flegg, East and West.	Ipswich.
Bideford.	Chesterfield.	Foleshill.	Isle of Thanet.
Biggleswade.	Chester-le-Street.	Forde.	Isle of Wight.
Billesdon.	Chesterton.	Fordingbridge.	
Bingham.	Chichester.	Forehoe.	Keighley.
Birkenhead.	Chipping Norton.	Freebridge Lynn.	Kendal.
Bishop Stortford.	Christchurch.	Fylde.	Kettering.
Blaby.	Church Stretton.		Keynsham.
Blackburn.	Cirencester.	Gainsborough.	Kidderminster.
Blandford.	Cleobury Mortimer.	Garstang.	Kingsbridge.
Blean.	Clitheroe.	Glanford Brigg.	Kingsclere.
Blofield.	Clun.	Glendale.	King's Lynn.
Blything.	Clutton.	Glossop.	King's Norton.
Bodmin.	Cockermouth.	Godstone.	Kington.
Bootle.	Congleton.	Goole.	Kirkby Moorside.
Bosmere and Claydon.	Conway.	Gower.	Knarborough.
Boston.	Cookham.	Grantham.	Knighton.
Bourn.	Corwen.	Great Ouseburn.	
Brackley.	Cosford.		Lampeter.
Brackfield.	Coventry.		Lancaster.
	Cranbrook.		
	Crediton.		
	Crickhowell.		

* In these cases sewerage works are in course of construction, or under consideration.

(a) Bromley.—In the West Kent Main Sewerage District.

(b) Dartford.—In the Darenth Valley Main Sewerage District.

RURAL SANITARY DISTRICTS.—*continued.*

Lanchester.	New Winchester.	Samford.	Tregaron.
Launceston.	Northallerton.	Scarborough.	Truro.
Ledbury.	Northampton.	Scilly Islands.	Tynemouth.
Leeds.	Northleach.	Sculcoates.	
Leek.	Northwich.	Sedbergh.	Uckfield.
Leighton Buzzard.	North Witchford.	Seisdon.	Ulverston.
Leominster.	Nuneaton.	Selby.	Uppingham.
Lewes.		Settle.	Upton-on-Severn.
Lexden and Winstree.	Oakham.	Sevenoaks. (<i>b</i>)	Uttoxeter.
Leyburn.	Okehampton.	Shaftesbury.	Uxbridge.
Lichfield.	Ongar.	Shardlow.	
Lincoln.	Ormskirk.	Sheppey.	Wallingford.
Linton.	Orsett. (<i>a</i>)	Shepton Mallet.	Wallsall.
Liskeard.	Oswestry.	Shiffnal.	Walsingham.
Llandilo Fawr.	Oundle.	Shipston-on-Stour.	Wangford.
Llandovery.		Skipton.	Wantage.
Llanelli.	Pateley Bridge.	Skirlaugh.	Ware.
Llanfyllin.	Patrinton.	Sleaford.	Wareham and Purbeck.
Llanrwst.	Pembroke.	Smallburgh.	Warminster.
Lloden and Clavering.	Penistone.	South Molton.	Warrington.
Longtown.	Penrith.	South Shields.	Warwick.
Loughborough.	Penzance.	South Stoneham.	Watford. (<i>d</i>)
Louth.	Pershore.	Southwell.	Wayland.
Ludlow.	Peterborough.	Spalding.	Weardale.
Lunesdale.	Petersfield.	Spilsby.	Wellingborough.
Luton.	Petworth.	Stafford.	Wellington (Somerset).
Lutterworth.	Pewsey.	Staines.	Wells.
Lymington.	Pickering.	Stamford.	Welwyn.
	Plomesgate.	Stevinge.	Wem.
Macclesfield.	Plympton St. Mary.	Stockbridge.	West Ashford.
Machynlleth.	Pocklington.	Stockton.	Westbourne.
Madeley.	Pontardawe.	Stokesley.	West Bromwich.
Maidstone.	Pontefract.	Stoke-upon-Trent.	Westbury and Whorwells-
Maldon.	Pontypool.	Stone.	down.
Malmesbury.	Pontypridd.	Stourbridge. (<i>c</i>)	West Derby.
Malton.	Poole.	Stow.	West Fittle.
Mansfield.	Portsea Island.	Stow-on-the-Wold.	West Hampnett.
Market Bosworth.	Prescot.	Stratford-on-Avon.	West Ward.
Market Harborough.	Preston.	Stratton.	Wetherby.
Marlborough.	Prestwich.	Strood.	Weymouth.
Martley.	Pwllheli.	Sturminster.	Wiarfedale.
Medway.		Sudbury.	Wheatenurst.
Melksham.	Redruth.	Sunderland.	Whitby.
Melton Mowbray.	Reeth.	Swaffham.	Whitchurch (Southampton).
Meriden.	Reigate.	Swansea.	Whitchurch (Salop).
Merthyr Tydfil.	Rhayader.		Whitehaven.
Middlesbrough.	Richmond (York)	Tarvin.	Whittlesey.
Midhurst.	Ringwood.	Taunton.	Wigan.
Mildenhall.	Ripon.	Tavistock.	Wigton.
Milton.	Risbridge.	Teesdale.	Williton.
Mitford and Launditch.	Rochford.	Tenbury.	Wilton.
Monmouth.	Romford.	Tenterden.	Wimborne and Cranborne.
Morpeth.	Romney Marsh.	Tetbury.	Winchcomb.
Mutford and Lothingland.	Romsey.	Tewkesbury.	Windsor.
	Ross.	Thakeham.	Winslow.
Nantwich.	Rothbury.	Thame.	Wirral.
Narberth.	Rotherham.	Thetford.	Wisbeach.
Ncath.	Royston.	Thingoe.	Witney.
Newark.	Rugby.	Thirsk.	Woburn.
Newbury.	Runcorn.	Thornbury.	Wokingham.
Newcastle-in-Emlyn.	Ruthin.	Thorne.	Wolstanton and Burslem.
Newcastle-under-Lyme.		Thrapston.	Woodbridge.
Newent.	Saddleworth.	Ticehurst.	Woodstock.
New Forest.	Saffron Walden.	Tisbury.	Worcester.
Newhaven.	St. Asaph.	Tiverton.	Worksop.
Newmarket.	St. Austell.	Todmorden.	Wrexham.
Newport (Monmouth).	St. Columb Major.	Tonbridge.	Wycombe.
Newport (Salop).	St. Faith's.	Torrington.	
Newport Pagnell.	St. Germans.	Totnes.	Yeovil.
Newton Abbot.	St. Ives.	Towcester.	York.
Newtown and Llanidloes.	St. Neots.		

(a) Orsett.—Sewerage works for the contributory places of Chadwell, St. Mary, and Little Thurrock, are in course of construction.

(b) Sevenoaks.—In the Darent Valley Main Sewerage District.

(c) Stourbridge.—Part of the District is in the Upper Stour Valley Main Sewerage District, and part in the Stourbridge Main Sewerage District.

(d) Watford.—Sewerage works for the contributory place of Bushey are in course of construction.

SEWAGE (PRECIPITATION).

RETURN showing the Number of URBAN SANITARY DISTRICTS and CONTINUITY PLACES in RURAL SANITARY DISTRICTS in *England* and *Wales* in which Systems for treating Sewage by Precipitation are in Operation, and whether in such Cases the Precipitate is of a Saleable Value.

(*Mr. Tomlinson.*)

*Ordered, by The House of Commons, to be Printed,
16 August 1894.*

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SUEZ CANAL.

RETURNS OF SHIPPING AND TONNAGE:

1891, 1892, & 1893.

[In continuation of "Commercial No. 8 : 1893."]

*Presented to both Houses of Parliament by Command of Her Majesty.
May 1894.*

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SUEZ CANAL.

Returns of Shipping and Tonnage: 1891, 1892, and 1893.

[In continuation of "Commercial No. 8: 1893."]

The British Suez Canal Directors to the Earl of Kimberley.—(Received May 3.)

My Lord,

Paris, May 1, 1894.

WE have the honour to forward to your Lordship the Returns of the navigation through the Suez Canal for the year 1893, as compared with that of the two previous years 1891 and 1892.

The Returns are, as previously, comprised in nine Tables, and are in continuation of those inclosed in our despatch of the 18th April, 1893. The following is a brief summary of their contents:—

Table No. 1.—*A Monthly Return of the Shipping, Tonnage, and Transit Receipts for the years 1891, 1892, and 1893.*

The net tonnage for the past year shows a decrease of 52,960 tons as compared with that of 1892, and of 1,039,709 tons as compared with that of 1891.

The amount of dues has declined from 83,422,101 fr. in 1891, and 74,452,436 fr. in 1892, to 70,667,361 fr. in 1893.

Table No. 2.—*A Return of the Shipping and Tonnage for the same period of three years, arranged under their respective Flags.*

The number of vessels which passed through the Canal was 4,207 in 1891, 3,559 in 1892, and 3,341 in 1893, of which 3,217 in 1891, 2,581 in 1892, and 2,405 in 1893, carried the British flag.

Table No. 3.—*A Comparative Return of these three years, based on Table No. 2, and giving the Percentage of the Shipping and Tonnage of the Flags engaged.*

The percentage of British flags passing through the Suez Canal in 1893 shows a slight decrease as compared with the previous year, 72 per cent. carrying the British flag as against $72\frac{1}{2}$ per cent. in 1892. The percentage of German and Italian vessels has remained nearly stationary, while there is an increase in that of French vessels from 4·89 to 5·69, and of Dutch vessels from 4·97 to 5·33.

Table No. 4.—*A Return of the Shipping for the year 1893, arranged under its various Categories, Merchant-Vessels, Mail-Steamers, Ships-of-War, &c.*

In this Table the shipping is divided into the various classes of merchant-vessels, mail-steamers, war-ships and transports, Government chartered vessels, and vessels in ballast. Of 2,567 merchant-vessels and vessels in ballast, of a net tonnage of 5,676,941 tons, passing through the Canal, 2,133, of a net tonnage of 4,929,070 tons, were British, that is, nearly 83 per cent. of the number and 86 per cent. of the tonnage; and 190, or 8 per cent., were German vessels, whose tonnage was 6 per cent. of the whole; France, Holland, and Norway combined, furnishing a total of 7 per cent. of the vessels and 5·4 per cent. of the tonnage of the carrying trade to the East through the Suez Canal.

Table No. 5.—*A General Yearly Return of Vessels from the opening of the Canal to the present Time, showing their Gross and Net Tonnage, the Transit Receipts, and the mean Net Tonnage per Vessel.*

In the years 1881-91, the annual net tonnage ranged from 4,136,779 tons to 8,698,777 tons, and the transit receipts from 51,274,352 fr. to 83,122,101 fr.; the average of the net tonnage was 6,179,843 tons, and of the transit receipts was 63,459,028 fr.; while in 1893 the net tonnage amounted to 7,659,068 tons, and the transit receipts to 70,667,361 fr. The mean net tonnage per vessel also rose from 1,517 tons in 1881 to nearly 2,292 tons in 1893, being 125 tons per vessel in excess of 1892.

Table No. 6.—*A Monthly Return, showing the average Time occupied by Vessels in 1893, distinguishing those which navigated both by Night and Day from such as navigated by Day alone.*

The mean duration of passage for all vessels navigating the Canal shows a decrease from 21 hours 16 minutes in 1892 to 20 hours 45 minutes in 1893. In 1892 the percentage of vessels navigating by night was 90 per cent., while in 1893 it rose to 92·2 per cent., the number being 3,082 in 1893 as against 3,236 in 1892. The satisfactory manner in which the night service has been carried on again reflects great credit upon the Transit Department.

Table No. 7.—*A Return showing the Draught of Water of Vessels navigating the Canal during the last eight years, with the Percentage of such Draught.*

The percentage of vessels drawing less than 23 feet declined from 73·31 in 1892 to 68·93 in 1893, while vessels drawing more than 23 feet increased from 26·69 in 1892 to 31·07 in 1893.

The maximum draught allowed for vessels passing through the Canal is 25 feet 7 inches, and the increase in the size of vessels is shown in a remarkable manner by the fact that 164 vessels, drawing more than 24 feet 7 inches, used the Canal, as compared with 127 in 1892 and 135 in 1891, representing a percentage of 3·20 in 1891, 3·57 in 1892, and 4·91 in 1893.

Table No. 8.—*A Return of the Number of Passengers who passed through the Canal in 1893.*

There has been a diminution in the numbers of military and civilian passengers, but a considerable increase in the case of pilgrims and emigrants. The total numbers carried in 1893 amount to 180,432, as against 183,912 in 1892.

Table No. 9.—*A Return showing the Number of Passengers carried through the Suez Canal from its opening in 1870 to the year 1893.*

In the year 1870, 26,758 passengers were carried through the Canal; in 1880 the number had risen to 98,900, and in 1890 to 175,105; while in the past year it amounted to 180,432, as against 183,912 in 1892.

We have, &c.

(Signed)

J. STOKES.

C. RIVERS WILSON.

H. AUSTIN LEE.

Inclosure 1.

(No. 1.)—MONTHLY RETURN of the Shipping and Tonnage that passed through the Suez Canal, together with the Transit Receipts for the years 1891, 1892, and 1893.

Month.	1891.				1892.				1893.			
	Vessels.	Gross Tonnage.	Net Tonnage.	Transit Receipts.	Vessels.	Gross Tonnage.	Net Tonnage.	Transit Receipts.	Vessels.	Gross Tonnage.	Net Tonnage.	Transit Receipts.
		Tons.	Tons.	Fr. c.		Tons.	Tons.	Fr. c.		Tons.	Tons.	Fr. c.
January ..	303	907,126·849	641,187·045	6,248,235 23	322	954,925·980	674,862·490	6,418,468 88	317	979,898·730	699,043·840	6,378,972 94
February ..	304	847,931·820	597,827·360	5,789,284 89	327	948,989·240	677,288·950	6,295,181 56	241	781,188·100	554,848·934	5,116,517 71
March ..	376	1,088,780·170	776,742·770	7,494,812 56	378	1,141,014·300	811,119·800	7,777,651 02	313	992,819·660	707,698·240	6,518,581 66
April ..	391	1,100,883·670	784,150·770	7,453,344 98	363	1,074,921·682	766,495·611	7,345,250 22	301	969,239·417	693,143·354	6,389,347 12
May ..	454	1,276,318·750	914,235·670	8,511,614 04	344	1,019,081·982	727,986·969	6,984,914 10	332	1,024,580·130	730,171·800	6,847,371 80
June ..	394	1,088,733·490	779,683·540	7,352,293 47	305	925,745·440	657,691·170	6,372,245 29	292	933,316·480	668,748·750	6,109,057 93
July ..	424	1,228,087·450	878,937·610	8,310,510 21	274	847,710·110	603,597·430	5,840,569 87	268	879,123·190	628,987·204	5,739,377 34
August ..	322	940,929·840	673,216·120	6,456,694 99	256	777,893·180	554,203·210	5,412,242 65	278	879,034·404	624,609·274	5,836,621 40
September ..	329	983,272·921	699,786·971	6,866,149 61	250	791,324·341	559,661·609	5,469,243 37	244	808,024·401	575,983·684	5,312,177 84
October ..	326	952,806·620	698,341·150	6,784,661 11	249	808,856·480	570,710·050	5,573,996 09	272	879,036·420	624,859·990	5,770,385 71
November ..	293	909,997·270	635,818·520	6,186,003 04	238	762,598·323	535,159·291	5,227,749 62	222	739,457·920	520,862·300	4,846,550 93
December ..	291	672,107·567	618,849·834	5,968,497 11	253	813,340·410	573,261·030	5,634,923 36	261	888,078·203	630,110·735	5,800,399 55
Total ..	4,207	12,217,986·417	8,698,777·360	83,422,101 24	3,559	10,866,401·468	7,712,028·610	74,452,436 03	3,341	10,753,798·155	7,659,068·105	70,667,361 43

Inclosure 2.

(No. 2.)—Returns showing the Number of Vessels and Tonnage that passed through the Suez Canal during the years 1891, 1892, and 1893, arranged under their respective Flags.

Flag.	1891.				1892.				1893.			
	Vessels.	Gross Tonnage.	Net Tonnage.	Vessels.	Gross Tonnage.	Net Tonnage.	Vessels.	Gross Tonnage.	Vessels.	Gross Tonnage.	Net Tonnage.	Tons.
Great Britain ..	3,217	9,454,665	6,837,665	2,581	8,101,904	5,826,861	2,405	7,977,727	2,405	7,977,727	5,752,934	350
Germany ..	318	87,538	566,157	292	800,013	553,915	272	798,929	272	798,929	553,730	839
France ..	171	616,964	467,147	171	635,585	415,973	190	702,651	190	702,651	461,137	291
Italy ..	147	59,318	298,877	177	433,542	319,563	178	413,147	178	413,147	327,465	241
Spain ..	116	275,961	179,609	74	196,205	127,998	67	183,492	67	183,492	119,827	920
Austria (Austria) ..	51	169,399	112,172	61	191,144	124,655	71	251,467	71	251,467	166,779	450
Netherlands ..	24	98,027	69,127	26	98,240	68,580	29	100,706	29	100,706	70,660	420
Belgium ..	55	111,111	84,376	66	146,524	108,349	50	119,615	50	119,615	88,674	920
Prussia ..	21	64,554	39,022	22	74,553	43,750	24	82,767	24	82,767	53,548	440
Turkey ..	40	60,019	41,591	43	66,239	46,703	34	55,406	34	55,406	39,601	920
Egypt ..	1	294	132	2	2,462	1,569	3	7,456	3	7,456	4,411	675
Japan ..	6	12,784	7,904	3	5,941	3,726	1	2,846	1	2,846	1,280	980
Denmark ..	29	74,798	50,596	23	74,830	50,952	10	17,398	10	17,398	11,309	130
Portugal ..	..	..	7,904	4	7,429	5,121	1	2,546	1	2,546	1,761	310
Belgium ..	..	..	3,245	6	13,845	10,074	..	..	..	..	..	..
Greece ..	..	..	389	2	1,253	564	3	6,526	3	6,526	3,200	202
America ..	..	..	..	..	3,455	2,388	..	..	..	..	..	..
China ..	..	..	..	..	..	..	..	..	..	..	..	..
India ..	..	..	..	..	..	..	..	..	..	..	..	..
Other ..	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	1,297	12,217,996	8,698,777	3,559	10,466,401	7,712,028	3,341	10,753,798	3,341	10,753,798	7,659,064	105

Inclosure 3.

(No. 3.)—RETURN showing the Percentage of the Shipping and Tonnage of all Flags that passed through the Suez Canal during the years 1891, 1892, and 1893.

Flag.	1891.			1892.			1893.		
	Percentage of Vessels.	Percentage of Gross Tonnage.	Percentage of Net Tonnage.	Percentage of Vessels.	Percentage of Gross Tonnage.	Percentage of Net Tonnage.	Percentage of Vessels.	Percentage of Gross Tonnage.	Percentage of Net Tonnage.
Great Britain ..	76·47	77·63	78·60	72·52	74·56	75·55	71·98	74·18	75·11
Germany ..	7·56	7·12	6·85	8·20	7·44	7·18	8·14	7·43	7·26
France ..	4·07	5·05	4·69	4·89	5·85	5·39	5·69	6·53	6·02
Holland ..	3·49	3·02	3·09	4·97	3·99	4·14	5·33	4·12	4·27
Italy ..	2·76	2·26	2·07	2·08	1·82	1·66	2·00	1·71	1·56
Austria-Hungary ..	1·21	1·39	1·29	1·71	1·76	1·62	2·12	2·34	2·18
Spain ..	0·67	0·81	0·79	0·73	0·90	0·89	0·87	0·94	0·92
Norway ..	1·31	0·93	0·97	1·85	1·35	1·40	1·50	1·11	1·16
Russia ..	0·50	0·53	0·45	0·62	0·69	0·57	0·72	0·77	0·70
Turkey ..	0·95	0·49	0·48	1·21	0·61	0·60	1·02	0·52	0·52
Egypt ..	0·02	(0·002)	(0·001)	0·06	0·02	0·02	0·15	0·07	0·06
Japan ..	0·14	0·10	0·09	0·08	0·05	0·05	0·03	0·03	0·02
Portugal ..	0·69	0·61	0·58	0·65	0·69	0·66	0·30	0·16	0·15
Belgium ..	..	..	..	0·11	0·07	0·07	0·03	0·02	0·02
Greece ..	0·12	0·04	0·04	0·17	0·13	0·14	..	..	..
America ..	0·02	0·01	(0·004)	0·06	0·01	0·01	0·09	0·06	0·04
China ..	..	..	..	0·06	0·03	0·03	..	..	..
Denmark ..	0·02	0·01	0·01	..	..	..	..	..	..
Brazil ..	..	..	..	..	..	..	0·03	0·01	0·01
Siam ..	..	..	..	0·03	0·03	0·02	..	..	..
Hawaii ..	..	..	..	..	..	..	..	..	..
Totals ..	100	100	100	100	100	100	100	100	100

Inclosure 4.

(No. 4.)—RETURN of Shipping and Tonnage that passed through the Suez Canal during the year 1893, arranged under their respective Flags and Categories.

Flag.	Merchant Vessels.		Mail Steamers.		War Ships and Transports.		Government-chartered Vessels.		Vessels in Ballast.		Totals.	
	No.	Net Tonnage.	No.	Net Tonnage.	No.	Net Tonnage.	No.	Net Tonnage.	No.	Net Tonnage.	No.	Net Tonnage.
Great Britain ...	2,123	4,910,980·49	233	740,916·35	38	80,399·41	1	2,547·75	10	18,090·35	2,405	5,752,934·350
Germany ...	190	359,159·07	79	195,186·39	3	1,375·37	..	..	..	..	272	555,750·830
France ...	60	101,979·74	100	278,729·32	14	85,064·311	15	42,162·07	1	321·85	190	461,197·291
Holland ...	74	118,418·38	102	208,720·27	2	390·594	..	..	..	..	178	327,465·944
Italy ...	5	8,338·50	62	108,649·36	8	3,607·06	..	..	2	2,232·10	67	119,827·030
Austria-Hungary ...	20	35,903·73	48	128,127·72	3	2,748·01	..	..	..	..	71	166,779·450
Spain ...	2	660·86	27	69,999·56	..	..	..	..	..	..	29	70,660·430
Portugal ...	2	1,335·16	6	8,109·21	2	1,121·11	..	..	1	743·65	10	11,309·130
Norway ...	50	88,674·92	..	..	..	..	..	..	..	..	60	88,674·920
Russia ...	..	..	19	49,798·18	5	3,750·26	..	..	..	..	24	53,548·440
Turkey ...	17	20,861·63	..	..	1	507·16	13	16,070·34	3	2,162·80	34	39,601·920
Japan ...	..	..	..	..	1	1,280·98	..	..	..	..	1	1,280·980
Belgium ...	1	1,761·31	..	..	..	..	..	..	..	..	1	1,761·310
America ...	..	..	..	..	2	2,374·90	..	..	1	825·30	3	3,200·200
Brazil ...	..	..	..	..	1	634·93	..	..	..	..	1	634·930
Egypt ...	2	1,593·49	..	..	..	..	..	..	3	2,843·18	5	4,441·670
Totals ...	2,546	5,649,697·27	665	1,785,230·36	80	136,130·085	29	60,780·16	21	27,224·23	3,341	7,659,063·105

Inclosure 5.

(No. 5).—YEARLY RETURN of Shipping and Tonnage that passed through the Suez Canal from its opening until the year 1893, together with the Transit Receipts.

Year.			Number of Vessels.	Gross Tonnage.	Net Tonnage.	Transit Receipts.	Mean Net Tonnage per Vessel.
						Fr. c.	
1869	..	..	10	10,557·61	6,576·00	54,460 80	657
1870	..	..	486	654,915·02	436,609·37	5,159,327 22	898
1871	..	..	765	1,142,200·46	761,467·05	8,993,732 87	995
1872	..	..	1,082	1,744,481·32	1,160,743·54	16,407,591 42	1,071
1873	..	..	1,173	2,085,072·61	1,367,767·82	22,897,319 18	1,166
1874	..	..	1,264	2,423,672·22	1,631,650·14	24,859,383 00	1,290
1875	..	..	1,494	2,940,708·45	2,009,984·09	28,886,302 27	1,345
1876	..	..	1,457	3,072,107·01	2,096,771·61	29,974,998 74	1,439
1877	..	..	1,663	3,418,949·72	2,355,447·69	32,774,344 22	1,416
1878	..	..	1,593	3,291,535·38	2,269,678·31	31,098,229 18	1,425
1879	..	..	1,477	3,236,942·32	2,263,332·19	29,686,060 81	1,532
1880	..	..	2,026	4,344,519·89	3,057,421·88	39,840,487 64	1,509
1881	..	..	2,727	5,794,491·19	4,136,779·77	51,274,352 95	1,517
1882	..	..	3,198	7,122,125·68	5,074,808·88	60,545,882 08	1,586
1883	..	..	3,307	8,051,307·30	5,775,861·79	65,847,812 16	1,746
1884	..	..	3,284	8,319,967·36	5,871,500·92	62,378,115 54	1,787
1885	..	..	3,624	8,985,411·80	6,335,752·98	62,207,439 21	1,748
1886	..	..	3,100	8,183,313·15	5,767,655·84	56,527,390 58	1,860
1887	..	..	3,137	8,430,043·20	5,903,024·09	57,862,370 71	1,881
1888	..	..	3,440	9,437,957·32	6,640,834·44	64,832,273 20	1,930
1889	..	..	3,425	9,605,745·48	6,783,187·12	66,167,579 14	1,951
1890	..	..	3,389	9,749,129·09	6,890,094·41	66,984,000 22	2,033
1891	..	..	4,207	12,217,986·41	8,698,777·36	83,422,101 24	2,067
1892	..	..	3,559	10,866,401·468	7,712,028·61	74,452,436 03	2,166·90
1893	..	..	3,341	10,753,798·155	7,659,068·105	70,667,361 43	2,292·447

Inclosure 6.

(No. 6).—MONTHLY RETURN of Vessels for 1893, giving their Mean Duration of Passage of such as navigated by Night, as compared with those navigating by Day only.

Month.			Mean Duration of Passage.					
			For Vessels navigating by Night as well as by Day.		For Vessels navigating by Day only.		For all Vessels.	
			Number of Vessels.	Duration.	Number of Vessels.	Duration.	Number of Vessels.	Duration.
				Hrs. m.		Hrs. m.		Hrs. m.
January ..	..	..	299	23 28	18	44 37	317	24 40
February ..	..	..	225	18 39	16	27 31	241	19 14
March ..	..	..	293	20 58	20	34 40	313	21 50
April ..	..	..	286	19 34	15	26 56	301	19 56
May ..	..	..	287	18 50	45	27 4	332	19 57
June ..	..	..	269	18 59	23	29 54	292	19 51
July ..	..	..	244	18 47	24	28 15	268	19 38
August ..	..	..	247	20 46	31	31 6	278	21 55
September ..	..	..	228	18 33	16	27 50	244	19 9
October ..	..	..	249	19 47	23	35 49	272	21 9
November ..	..	..	209	19 58	13	38 1	222	21 1
December ..	..	..	246	19 12	15	31 59	261	19 56
Totals, and total mean duration ..			3,082	19 52	259	31 24	3,341	20 45

Inclosure 7.

(No. 7).—RETURN showing the Draught of Water of Vessels that passed through the Suez Canal for the years 1886 to 1893, inclusive.

Year.				Vessels having a Draught of Water of—									Total Number of Vessels.
				Less than 7 metres. (22 ft. 11 in.)	7·01 to 7·10 metres. (23 ft. 3 in.)	7·11 to 7·20 metres. (23 ft. 7 in.)	7·21 to 7·30 metres. (23 ft. 11 in.)	7·31 to 7·40 metres. (24 ft. 3 in.)	7·41 to 7·50 metres. (24 ft. 7 in.)	7·51 to 7·60 metres. (24 ft. 11 in.)	7·61 to 7·70 metres. (25 ft. 3 in.)	7·71 to 7·80 metres. (25 ft. 7 in.)	
1886	..	{ Number	..	2,426	190	143	112	125	104	..	..	..	3,100
		{ Percentage	..	78·26	6·13	4·61	3·61	4·03	3·36	..	..	..	
1887	..	{ Number	..	2,359	139	173	109	151	156	..	..	..	3,187
		{ Percentage	..	75·19	6·03	5·52	3·48	4·81	4·97	..	..	..	
1888	..	{ Number	..	2,469	223	197	122	147	282	..	..	..	3,440
		{ Percentage	..	71·77	6·48	5·73	3·55	4·27	8·20	..	..	..	
1889	..	{ Number	..	2,436	236	218	122	149	264	..	..	..	3,425
		{ Percentage	..	71·12	6·89	6·37	3·56	4·35	7·71	..	..	..	
1890	..	{ Number	..	2,395	230	189	87	165	178	53	48	44	3,389
		{ Percentage	..	70·67	6·79	5·58	2·57	4·87	5·25	1·56	1·41	1·30	
1891	..	{ Number	..	3,187	241	208	135	182	119	54	46	35	4,207
		{ Percentage	..	75·76	5·73	4·94	3·21	4·33	2·83	1·28	1·09	0·83	
1892	..	{ Number	..	2,609	225	201	120	174	103	51	44	32	3,559
		{ Percentage	..	73·31	6·32	5·65	3·37	4·89	2·89	1·43	1·24	0·90	
1893	..	{ Number	..	2,303	251	213	109	188	113	60	48	56	3,341
		{ Percentage	..	68·93	7·51	6·38	3·26	5·63	3·38	1·79	1·44	1·68	

N.B.—On and after April 15, 1890, vessels were allowed to pass through the Canal with a draught of water of 7·80 metres = 25 ft. 7 in.

Inclosure 8.

(No. 8).—RETURN showing the Number of Passengers both Outward and Homeward Bound, exclusive of Ships' Crews, that passed through the Suez Canal during the years 1892 and 1893.

Classification.				1892.			1893.		
				Outward Bound.	Homeward Bound.	Totals.	Outward Bound.	Homeward Bound.	Totals.
Military—									
English	..	..	..	19,763½	16,314	36,077½	14,681	13,453	28,134
French	..	..	..	6,885	6,989	13,874	7,711	6,357	14,068
Italian	..	..	..	1,820	1,958	3,778	1,570	1,564	3,134
Turkish	..	..	..	16,157	9,839	25,996	6,909	8,049	14,958
Russian	..	..	..	2,551	2,745	5,296	2,222	942	3,164
Dutch	..	..	..	1,889	1,236	3,125	2,261	3,003	5,264
Spanish	..	..	..	885	709	1,594	1,448	296	1,744
German	..	..	..	537	658	1,195	307	404	711
Japanese	..	..	..	..	188	188	..	197	197
Portuguese	..	..	..	228	392	620	374	132	506
Military total	..	..	..	50,715½	41,028	91,743½	37,483	34,397	71,880
Civilians	..	..	..	38,274½	31,964½	70,239½	32,149½	35,113	67,262½
Pilgrims, emigrants, and convicts	..	..	..	11,124½	10,805	21,929½	24,373	16,917	41,290
Totals	..	..	..	100,114½	83,797½	183,912½	94,005½	86,427	180,432½

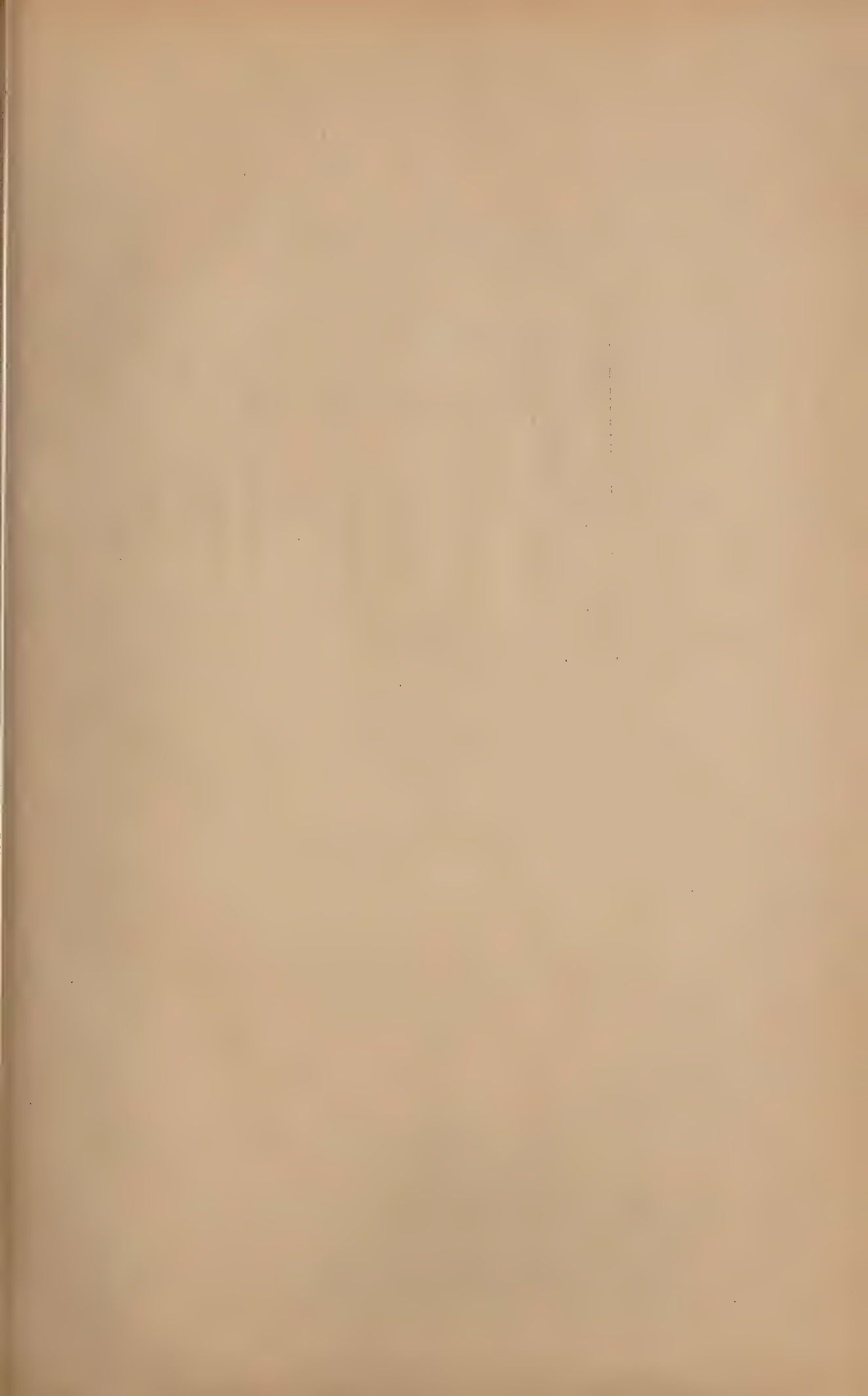
Inclosure 9.

(No. 9.)—RETURN showing the Number of Passengers carried through the Suez Canal from its opening to the year 1893.

Year.					Military.	Civilians.	Pilgrims, Emigrants, and Convicts.	Total Passengers on Vessels.	Total Passengers on Boats.	Total.
1870	..	..	..	..	..	..	..	26,758	..	..
1871	..	..	..	..	..	..	..	48,422	..	..
1872	..	..	..	..	..	..	..	67,640	..	..
1873	..	..	..	..	..	..	..	68,030	..	..
1874	..	..	..	..	..	..	..	73,597	..	..
1875	..	..	..	..	..	..	..	84,446	..	..
1876*	..	..	..	..	30,420	20,832	8,362	59,614	..	..
1877	..	..	..	..	39,463	24,409	8,949	72,821	..	..
1878	..	..	..	..	58,274	26,170	11,919	96,363	..	..
1879	..	..	..	..	42,775	26,697	12,672	82,144	..	..
1880	..	..	..	..	49,493	29,139	20,268	98,900	..	..
1881	..	..	..	..	43,163	35,604	8,039	86,806	..	..
1882	..	..	..	..	62,898	38,288	20,686	121,872	..	..
1883	..	..	..	..	47,919	36,149	31,529	115,597†	3,579	119,176
1884	..	..	..	..	74,318	39,987	34,993	148,298	3,618	151,916
1885	..	..	..	..	112,230	47,068	42,473	201,771	4,178	205,949
1886	..	..	..	..	84,593	55,320	27,709	167,622	3,788	171,410
1887	..	..	..	..	91,966	53,414	33,405	178,785	4,211	182,996
1888	..	..	..	..	87,131	63,103	29,231	179,465	4,430	183,895
1889	..	..	..	..	75,445	72,192	27,868	175,505	5,087	180,592
1890	..	..	..	..	67,767	69,479	18,430	155,676	5,676	161,352
1891	..	..	..	..	93,780	73,562	20,784	188,126	6,347	194,473
1892	..	..	..	..	91,743	70,239	21,929	183,912	5,907	189,820
1893	..	..	..	..	71,880	67,262	41,290	180,432	..	..

* The distinction has only been made since 1876.

† Until 1883 the passengers on boats were included in the total of passengers on vessels.



STUEZ CANAL.

REVENUE of Shipping and Tonnage: 1891, 1892,
and 1893.

[In continuation of "Commercial No. 8: 1893."]

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. May 1894.*

LONDON:

PRINTED BY HARRISON AND SONS.

SUPERANNUATION.

RETURN to an Order of the Honourable The House of Commons,
dated 10 April 1894;—*for*,

COPY “of TREASURY MINUTE, dated the 5th day of April 1894, relating
to the Claims to PENSION of PERSONS appointed to the CLERICAL
ESTABLISHMENT of the REGISTRY of DEEDS, *Ireland*, between the
19th of April 1859 and the 1st of January 1865.”

Treasury Chambers, }
10 April 1894. }

JOHN T. HIBBERT.

(*Sir John Hibbert.*)

Ordered, by The House of Commons, to be Printed,
10 April 1894.

LONDON:
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90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

COPY of TREASURY MINUTE, dated the 5th of April 1894, relating to the Claims to PENSION of PERSONS appointed to the CLERICAL ESTABLISHMENT of the REGISTRY of DEEDS, *Ireland*, between the 19th of April 1859 and the 1st of January 1865.

(7240—93.)

TREASURY MINUTE, dated 5th April 1894.

THE attention of the Board of Treasury has been called to the position as regards their claim to pension of persons appointed to the Clerical Establishment of the Registry of Deeds, *Ireland*, between 19th April 1859, on which day the Superannuation Act of that year came into operation, and the 1st January 1865, when the salary charge was transferred from the fee receipts of the Registry to a Vote of Parliament.

Until the 19th April 1859, the grant of pensions was regulated by the Act 4 & 5 Will. IV. c. 24, and the office of the Registrar of Deeds, *Ireland*, was included in the Schedule of that Act, as an office service in which qualified for pension; and by Section 3 of the Act of 1859 the pension rights of officers then serving were preserved to them.

Section 17 of the later Act, however, specifies the conditions without which a Civil Servant is not qualified for the grant of a pension under its provisions, and among those conditions is the receipt of salary from a Vote of Parliament or from the Consolidated Fund.

Neither the Treasury nor the Department perceived at the time that the effect of this provision was to exclude from the benefit of the Act persons appointed to the Registry between April 1859 and the date in 1865 when the salaries were transferred to the Votes, and, accordingly, candidates were required to obtain a certificate from the Civil Service Commissioners, and were appointed with the full belief, which has ever since remained unquestioned, that their service qualified them for pension.

Of the officers appointed during the period in question the following have died or have retired without pension :—

O'Connell Ray	-	-	-	-	-	Retired without pension.
Daniel O'Connell	-	-	-	-	-	ditto.
John R. Wilby	-	-	-	-	-	ditto.
Benjamin Downing	-	-	-	-	-	ditto.
Sampson C. McWalters	-	-	-	-	-	ditto.
Thomas George Marsh	-	-	-	-	-	ditto.
William Nicholas	-	-	-	-	-	ditto.
Samuel T. McCarthy	-	-	-	-	-	ditto.
Edward Walsh	-	-	-	-	-	Died.
Daniel Kirk	-	-	-	-	-	Retired without pension.
Samuel F. Bole	-	-	-	-	-	ditto.
George J. Galvin	-	-	-	-	-	Died.
James Brannagan	-	-	-	-	-	Retired without pension.
John Bole	-	-	-	-	-	ditto.
Henry T. Chapman	-	-	-	-	-	ditto.
Peter Quigley	-	-	-	-	-	ditto.
John J. Armstrong	-	-	-	-	-	Died.
Maurice U. Atkin	-	-	-	-	-	Retired without pension.
Richard M. Cashel	-	-	-	-	-	Died.
Patrick Dowling	-	-	-	-	-	Retired without pension.

The following have retired on pension :—

				£.	s.	d.
James Magee	-	-	10th September 1886	-	-	125 - -
			(since deceased).			
Joseph Ramsay	-	-	20th January 1894	-	-	Not yet fixed.
James F. Swaine	-	-	30th June 1892	-	-	170 13 4
John J. Costello	-	-	4th June 1885	-	-	125 - -
Thomas M. Ray	-	-	23rd October 1884	-	-	80 - -
John M. Tighe	-	-	4th April 1883	-	-	75 9 5
Thomas J. Crowe	-	-	Gratuity of 60 <i>l.</i> awarded to widow.			

The following are still serving :—

Bernard Connor	-	-	-	-	-	-	Still serving.
Francis A. Fanning	-	-	-	-	-	-	ditto.
Albert Nicholson	-	-	-	-	-	-	ditto.
David Rogers	-	-	-	-	-	-	ditto.
John Bryson	-	-	-	-	-	-	ditto.
Frederick F. Armstrong	-	-	-	-	-	-	ditto.
Michael Lyons	-	-	-	-	-	-	ditto.
Thomas Taylor	-	-	-	-	-	-	ditto.
Joseph H. Sheeran	-	-	-	-	-	-	ditto.
Douglas Cashel	-	-	-	-	-	-	ditto.

The case of Mr. Ramsay, first-class clerk, who was appointed to the Registry on 1st December 1859, and retired on medical certificate on 20th January 1894, is now before the Board for the grant of superannuation.

Their Lordships consider that the circumstances stated above amount to a pledge of public faith to the officers so appointed, that the source from which their salaries were paid prior to 1865 should not deprive them of pension on retirement, if certified in accordance with the terms of the Act to have served with diligence and fidelity, to the satisfaction of the Head of their Department.

They are accordingly pleased to award to Mr. Ramsay a retiring allowance of 263*l.* 10*s.* from 21st January last inclusive, and to declare that, on the retirement of the other persons mentioned above as still serving, They will be prepared, in fixing their superannuation, to treat their service prior to 1st January 1865 in all respects as though it had been paid from a Vote of Parliament.

SUPERANNUATION.

COPY of TREASURY MINUTE, dated the 5th of April 1894, relating to the Claims to PENSION of PERSONS appointed to the CLERICAL ESTABLISHMENT of the REGISTRY of DEEDS, *Ireland*, between the 19th of April 1859 and the 1st of January 1865.

(*Sir John Hibbert.*)

*Ordered, by The House of Commons, to be Printed,
10 April 1894.*

[*Price 1 d.*]

STAMPS (CONTRACT OF MESSRS. DE LA RUE).

TREASURY MINUTE,

DATED THE 6TH OF AUGUST 1894,

RELATING TO THE

CONTRACT OF MESSRS. DE LA RUE

FOR THE

SUPPLY OF STAMPS FOR THE USE
OF THE INLAND REVENUE AND POST OFFICE
DEPARTMENTS,

INCLUDING THOSE ON

POST CARDS AND WRAPPERS.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,

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90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

1894.

[C.—7507.] Price ½d.

Treasury Minute dated 6th August 1894.

The Lords Commissioners of Her Majesty's Treasury have had before them a letter, dated the 1st instant, from Messrs. De la Rue, the Contractors for the supply of stamps for the use of the Inland Revenue and Post Office Departments, including those on post-cards and wrappers.

The Contract terminates on 31st December 1898, and Messrs. De la Rue now offer, on condition that it is extended for a further period of three years (*i.e.*, to the 31st December 1901), to make the following modifications in its terms:—

1. The Firm undertake, during the term of the Contract, as hereby extended, to work their gumming machinery and perforating machinery in such a way that half of each description of machinery shall be under different fire risks, and to put in hand at once, and complete within the period of eighteen months, and after completion to maintain, reserve machinery for gumming and also for perforating, sufficient at all times during the term of the Contract, as hereby extended, for the production of adhesive stamps under the Contract.

2. The Firm undertake to build a fireproof strong-room in the basement of one of their factories, used for their general trade purposes, and entirely separate from the factories used for the purposes of the supply under the Contract, for storing therein the reserve machinery.

3. The Firm agree (a condition only rendered possible by the duplication of the gumming and perforating machinery) to the reduction of the period during which in the event of fire they are at present discharged from liability to continue the supply of material from six months to three in the case of adhesive stamps and from three months to one in the case of post-cards, wrappers, &c.

4. The Commissioners of Inland Revenue are to be at liberty to order adhesive stamps from time to time in such quantities as may be required.

5. If required so to do by written notice from the said Commissioners at any time during the term of the Contract as extended, the Firm are, within three months from the date of such notice, to transmit post-cards, envelopes, and newspaper wrappers, direct to post offices at such places, not exceeding ten in number at any time, as the Commissioners may fix upon: provided that the Firm shall not be put to any expense connected with the transmission save the expense of the labour of packing.

Their Lordships have been in communication with the Postmaster-General and with the Board of Inland Revenue, as representing the Departments more immediately concerned, as to the value to them of the modifications offered.

The Postmaster-General is of opinion that the advantages which will result from the extension to the public of permission to use adhesive stamps for private post-cards are very considerable.

The commercial public benefit decidedly by being able to use their own cards, which may be kept in stock without risk of loss, say from fire, theft, or damage. Further, the necessity for immediate payment of large sums for stamps is avoided.

To ordinary members of the community the advantage is also great, inasmuch as many occasions arise when official cards are not available, and private cards (coming within the regulations) will no doubt be found very convenient.

The Post Office, which has long been in favour of the change, gains from an economical point of view. Under the present system the small margin of profit (about 22,000*l.*) on the material is insufficient to cover the loss entailed by selling the cards, and any diminution in the supply of official cards will diminish the cost of handling, registering, storing, conveying, and checking stocks.

The Board of Inland Revenue report that the modifications of the Contract which affect their Department will be of great importance.

They will enable the Inland Revenue authorities to make a corresponding reduction in the enormous reserve stock of postage stamps, postcards, &c. at present kept at Somerset House. The reduction in the stock will not only lead to a saving estimated at about 20,000*l.* a year for the next two financial years, but it will enable a much better check to be kept on the stock, and will, for the first time, render possible a perfectly satisfactory system of stocktaking. It will further set free a great amount of valuable space which is required for other purposes, and which, but for this arrangement, would have to be provided in a less convenient situation—outside Somerset House—at additional cost to the State.

In addition to these advantages, Messrs. De la Rue now undertake, if required, to pack and forward heavy postal stationery direct from their factory to the great provincial centres, instead of sending it to Somerset House, to be distributed from there, as at present.

Both Departments speak in the highest terms of the manner in which Messrs. De la Rue have hitherto carried out the terms of their Contract, and of their readiness to adopt every suggestion made to them for the acceleration or improvement of the service.

Upon a careful review of all the considerations affecting the question the Board of Treasury are prepared to sanction the extension of Messrs. De la Rue's Contract to the 31st December 1901, subject to the modifications proposed.

THAMES CONSERVANCY.

GENERAL REPORT of the CONSERVATORS of the RIVER THAMES, from the
1st January 1893 to the 31st December 1893, with ACCOUNTS of MONEYS
RECEIVED and EXPENDED by them, for the Year ended 31st December
1893.

(PRESENTED PURSUANT TO ACT 20 & 21 VICT. (L. & P.) c. 147, s. 163.)

*Ordered, by The House of Commons, to be Printed,
20 July 1894.*

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90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

GENERAL REPORT of the PROCEEDINGS of the CONSERVATORS of the
RIVER THAMES from the 1st January 1893 to the 31st December 1893.

THE moorings, steamboat piers, and landing-places and other works in the river were maintained in proper order and repair.

Forty-one sunken vessels were raised by the Conservators' wreck-raising plant during the year. Of these, five were steam vessels measuring 2,777 tons, and 36 were barges measuring 1,376 tons.

During the year two large steam dredgers were continuously employed in improving the navigable channel in the lower reaches of the river.

The dredging barges and punts working under licenses granted by the Conservators were carefully watched with the view of preventing illegal dredging.

The Explosives Act and the bye-laws made under its provisions were enforced by the harbour masters and other inspectors of explosives. Six convictions for infractions of this Act and bye-laws were obtained during the year.

Where the evidence was sufficient to render convictions probable, legal proceedings were taken by the Conservators against persons navigating vessels in such a manner as to contravene the provisions of the Acts and bye-laws, and 17 convictions were obtained.

The Conservators enforced the provisions of their Acts and bye-laws with respect to sundry offences, and especially with regard to the discharge of rubbish and ashes into the river, and obtained 50 convictions in respect of this offence, which occurred principally on the river below London Bridge.

Forty-eight convictions were also obtained in respect of sundry offences.

The condition of the water in the lower reaches of the river continues to improve.

In the upper reaches, above Chiswick, the Conservators have closely watched for probable sources of pollution, with the result that the river water maintains its very high standard of purity.

A number of Bills in Parliament affecting the river were watched during the Session 1893, and such measures taken as were required to guard the interests of the public in connection with the River Thames.

In

In compliance with the directions of Parliament in the London County Council (General Powers) Act, 1893, the Conservators have introduced into Parliament a Bill to amend and consolidate the provisions of the existing Acts relating to the Conservancy of the Thames. This Bill, which consolidates no less than 32 existing Acts, has passed its third reading in the House of Commons after an exhaustive consideration by a Select Committee extending over 28 days.

The Fishery Bye-laws referred to in the Report for 1892 have received the approval of Her Majesty the Queen in Council, and are now in operation.

The Conservators have erected commodious new offices on the Thames Embankment, and will shortly enter into occupation of these offices.

The Conservators have submitted to the Board of Trade a schedule of tolls under the provisions of the Railway and Canal Traffic Act, 1888.

The locks, weirs, and tow-paths have been maintained in an efficient state, and the Conservators have proceeded with the restoration of the river works above Oxford.

The new Richmond lock, weir and footbridge with moveable sluices, constructed by the Conservators under the provisions of the special Act of 1890, have been completed, and were opened by His Royal Highness the Duke of York on the 19th May last.

F. W. E. Nicolson, Deputy Chairman.

James H. Gough, Secretary.

Thames Conservancy,
16 July 1894.

Sale of Ballast	-	-	-	-	-	66	15	11
Explosive Licenses	-	-	-	-	-	120	-	-
Registration and other Fees:					£.	s.	d.	
Houseboat	-	-	-	-	261	17	7	
Pleasure Boat	-	-	-	-	61	4	4	
Launch	-	-	-	-	78	11	-	
Sundry, including Weir Permits	-	-	-	-	25	5	5	
Sale of Stock	-	-	-	-	-	-	-	426 18 4
Dividends on Stocks	-	-	-	-	-	-	-	19,686 10 6
Interest on Loans to Upper Fund	-	-	-	-	-	-	-	1,523 17 8
Penalties and Law Costs Recovered	-	-	-	-	-	-	-	25 18 7
Assessors' Fees	-	-	-	-	-	-	-	906 - 3
Raising Wrecks	-	-	-	-	-	-	-	222 1 6
Loan of Craft	-	-	-	-	-	-	-	1,644 17 5
Craft Renewal and Insurance Fund	-	-	-	-	-	-	-	1,462 19 1
	-	-	-	-	-	-	-	245 14 8
Amounts repaid (<i>see contra</i>)	-	-	-	-	£.	s.	d.	
Ditto - Tower Bridge Works (<i>see contra</i>)	-	-	-	-	2,476	11	3	
	-	-	-	-	703	9	3	
Sale of Land	-	-	-	-	-	-	-	3,180 - 6
	-	-	-	-	-	-	-	225 - -
								105,183 5 2
								110,372 14 5
								£.

We hereby certify that the above is a correct Account of Receipts and Application of Moneys which have been received by the Conservators of the River Thames, for the Year ended 31st December 1993.

*F. W. E. Nicolson, Deputy Chairman.
James H. Gough, Secretary.*

CAPITAL ACCOUNT, 31st December 1893.

[illegible]

Examined and approved,
T. J. Begent, Auditor.

25 April 1894.

AN ACCOUNT of MONIES Received and Expended by the Conservators of the River Thames, for the Year ended 31st December 1893.

[illegible]

We hereby certify that the above is a correct Account of Receipts and Application of Money which have been received by the Conservators of the River Thames, for the Year ended 31st December 1893.

*F. W. B. Nicolson, Deputy Chairman.
James H. Gough, Secretary.*

Examined and approved,
T. J. Bequest, Auditor.

25 April 1894.

16 July 1914.

STATEMENT of EXPENDITURE on CAPITAL ACCOUNT from 6th August 1866 to
31st December 1893.

	£.	s.	d.	£.	s.	d.	£.	s.	d.
Amount Expended to 31st December 1892, as per previous Statement - - - - -	-	-	-	-	-	-	177,056	7	5
Particulars of the Expenditure for the Year 1893 :—									
New Lock at Grafton - - - - -	2	8	8						
Ditto at Radcot (further payment) - - -	6	5	5						
Radcot Lockhouse - - - - -	333	6	3						
New Lock at Northmoor (further payment) - - -	55	3	1						
Boat Slide at Eynsham Weir (further payment) - -	142	11	-						
Boat Slide at Cookham Lock (further payment) - -	77	13	11						
				617	8	4			
New Weir at Radcot (further payment) - - -	-	-	-	218	10	1			
Gatehampton Ferry Cottage (further payment) - -	-	-	-	26	8	5			
							862	6	10
							£.	177,918	14 3

Note.—No charge has ever been made to the Upper Navigation for Salaries and Expenses of the Secretary's Staff, Engineer's Office Staff, and the Expenses of the Chief Office.

25 April 1894.

Examined and approved,
T. J. Begent, Auditor.

THAMES CONSERVANCY.

GENERAL REPORT of the CONSERVATORS
of the River THAMES, from 1st January 1893
to 31st December 1893, with ACCOUNTS of
MONEYS RECEIVED and EXPENDED by them,
for the Year ended 31st December 1893.

(Presented pursuant to Act 20 & 21 Vict. (L. & P.) c. 147, s. 153.)

*Ordered, by The House of Commons, to be Printed,
20 July 1894.*

[Price 1d.]

UNEMPLOYED (SCOTLAND).

REPORT

BY THE

BOARD OF SUPERVISION

TO

HER MAJESTY'S SECRETARY FOR SCOTLAND,

ON THE

MEASURES TAKEN BY THE LOCAL AUTHORITIES OF THE
PRINCIPAL CENTRES OF POPULATION OF SCOTLAND,

FOR THE

RELIEF OF THE ABLEBODIED UNEMPLOYED
DURING THE WINTER OF 1893-94.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

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1894.

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SIR,

Edinburgh, 10th February 1894.

I HAVE now completed the inquiry regarding the relief of the able-bodied unemployed which, at the instance of the Secretary for Scotland, I was, in the beginning of last month, instructed to make.

I understand that the Secretary for Scotland was desirous that the Board should obtain returns from local authorities of the principal centres of population in Scotland on the subject of destitution among the unemployed and the means taken to relieve it, similar to those obtained by the Local Government Board in England from boards of guardians; and I learn that the Board pointed out to the Secretary for Scotland that they were not in the same position as the Local Government Board in England, in respect that, in Scotland, the unemployed, however destitute, if able-bodied, have no claim to parochial relief, and that periods of distress have been hitherto tided over, with success, by co-operation of municipal authorities and charitable associations; and the Board suggested to the Secretary for Scotland that I should visit the places indicated and confer with parochial and municipal authorities, and with the officials of charitable associations for the purpose of obtaining the information desired, and reporting generally the results. The Secretary for Scotland approved of the suggestion, and during the past six weeks I have been engaged on the investigation. I have met with the utmost courtesy from all the gentlemen with whom I conferred, and have in every instance been furnished with all the information I desired, or which it was in their power to give.

Origin of inquiry.

I was instructed to ascertain if there was any material increase this season in the number of applications for relief, and, if so, in what manner they were being dealt with, either by public or organised private effort. Local authorities were to be invited to give their opinions on the present distress and the probability of its becoming more severe. They were also to be requested to state whether they anticipated any difficulty in meeting the destitution with which they might have to deal, and whether they contemplated that any exceptional arrangements would be necessary to enable them to do so satisfactorily. With the view of carrying out these instructions, I drew up the following questions, a copy of which I forwarded to the inspector of poor, usually a day or two before my visit to the parish, and replies from charity association officials were obtained on a similar form as far as applicable. The information as to the action of municipal authorities was obtained from their officers, and I had also the satisfaction of seeing many of the members :—

Object and scope of inquiry.

1. Is there any material increase this winter in the number of applications for relief?
2. If so, how are they being dealt with?
3. Opinion as to present aspect of affairs.
4. Is any increase to be anticipated?
5. If so, will there be any difficulty in meeting it?
6. Is any exceptional arrangement necessary?
7. Classes of able-bodied applying—
 - a. Respectable skilled workers.
 - b. Respectable labourers.
 - c. Dissolute.
8. Do parochial officials, burgh officials, and charities co-operate?
- 9.—A. Number of applications in years 1891, 1892, 1893 for quarters, 1st January to 31st March, 1st April to 30th June, 1st July to 30th September, and 1st October to 31st December.
B. Number of sane poor chargeable in parish at 1st January 1891, 1892, 1893, 1894—
 - a. On outdoor roll.
 - b. In poorhouse.
 - c. Other parish poor chargeable in parish.
10. Date when assessment for poor due.
11. Rate of assessment for poor per £ on owner,* 1890–1, 1891–2, 1892–3, 1893–4.
12. Amount paid as at† January 1891, 1892, 1893, 1894.
13. Number of persons exempted from payment of rates, 1890–1, 1891–2, 1892–3, 1893–4.

* Double of *this* rate is the amount required to be levied. The rate is not the same on different classes of tenants.

† Date of visit.

Personal.

I have been particular in describing the object and scope of the inquiry, as notices of my visits to various places have appeared which tended to give an exaggerated importance to it, and I endeavour in this Report to confine myself strictly to the limits which I have above marked out, as I feel that the subject of the relief of the unemployed is surrounded on every side by contentious matter and labour problems, which it is not for me here to discuss.

No public body responsible for relief of able-bodied unemployed.

Municipal.

There is no public body in Scotland responsible for the relief of the able-bodied unemployed. In previous depressions, work has been provided by municipalities and the cost has been defrayed out of the rates, or common-good, or by private subscription usually promoted by the magistrates in their private capacity as citizens. There is no statutory obligation on municipal authorities to provide for the unemployed, and it may be urged that they are not entitled to devote any portion of the burgh assessments to the relief of distress either directly or indirectly; and unless they can provide work for the unemployed, which will prove remunerative and of public benefit, objection to such expenditure might be sustained in a court of law. It is certainly illegal to give relief to the able-bodied out of the funds administered by parochial boards. Sheriff Guthrie Smith, in his "Digest of the Poor Law," has clearly and concisely stated the law on this point:—

Parochial boards.

"The Second Division of the Court of Session in the case of *Petrie v. Meek*, 4th March 1859, unanimously held that a parochial board were not entitled to employ any part of the funds raised by assessment for the support of the poor to the relief or assistance of able-bodied persons under any circumstances, or, in other words, to raise funds for such a purpose, and that able-bodied persons could not be classed under the 'occasional poor' of section 68 of the Statute. Some dissatisfaction having been expressed with this judgment, the case of *Jack v. Isdale* was raised for the avowed purpose of retrying the question. A member of the Parochial Board of Dundee applied for suspension and interdict against the board giving casual relief from their funds to a person who was admitted to be able-bodied, and whose case was entered in the books of the board thus:—'Sick wife and slackness of trade, whereby he cannot get full employment.' A majority of the whole Court were against the competency of the proposed application of the poor's fund, and on appeal the judgment was upheld by the House of Lords. The relief proposed to be given was defended on the ground above stated, that, under section 68, although a person out of work in a state of destitution could not demand relief, the board might, if they chose, competently give it. The Lord President (Lord Colonsay) said that this was his intention in framing the Statute. 'It says that the occasional poor who are able-bodied, and who 'had had no right formerly to demand relief, shall not have the right to demand 'relief in future; but they are not excepted from the class of occasional poor, who 'are now to get relief, and the only difference between them is that the right of 'demand does not exist in the case of the able-bodied occasional poor.' But the Lord Chancellor said he was unable to distinguish or see any difference in principle between being entitled to relief and entitled to demand relief. 'The right to give and the right to receive relief were correlative. If there was no right to demand, there was none to give relief. It could not be, that where a fund had been raised for a special purpose, defined in an Act of Parliament, and given into the hands of persons whose duty it was to carry the Act into execution, it was open to them to say:—'We think that you 'are not within the class of persons defined in the Act of Parliament; but we think 'you are a proper object of relief, and therefore we shall give it to you, although we 'are not authorised by the Act to do so.' . . . But while in the case of an able-bodied father there is a presumption *juris et de jure* that he is able to gain his livelihood so as to support himself and family, there is no such presumption in the case of the mother widowed or deserted, and burdened with the support of a family. A woman without encumbrance may be able to support herself, but having a child to nurse, unable to support both herself and child. She is then entitled to relief."

Board's recommendations.

In the winter of 1878, the Board learned that there were, in some places, a considerable number of unemployed persons, and that apprehensions were entertained of a serious increase. They then issued a circular to parochial boards and local authorities under the public health act, defining the powers and duties of these statutory bodies respectively, and stating what appeared to them to be the best mode of rendering such assistance to unemployed artisans and labourers as might be necessary. The Board pointed out that, while parochial boards had no power to expend any of their funds in the relief of persons who are not both destitute and (wholly or partially) disabled, yet

that, in considering the question of disability, in the case of a person really destitute the letter of the law should not be carried to an extreme, and delay caused in a doubtful case by the necessity of an appeal to the sheriff. It being obvious that if a person is *really destitute* no long period will elapse before he also becomes *disabled* from want of food, the Board recommended that in such cases the inspector should grant immediate relief if he thought that the sheriff on appeal would order it. The Board pointed out that the relief of able-bodied persons, rendered destitute by being out of employment, has been entrusted by the Legislature to the voluntary benevolence of the public, and that that trust had never yet been found to have been misplaced. This duty, however, requires to be discharged with the greatest circumspection and care, lest the benevolence should be productive of manifold and manifest evils to society. The Board then issued the following few simple rules for the administration of a charitable fund among able-bodied persons, and they had the satisfaction of learning afterwards that, where these principles of relief were strictly adhered to, no difficulty had arisen in dealing with the unemployed:—

- “ 1. No person should be admitted to participation without a strict inquiry into his previous history and present circumstances. In most cases the officers of the parochial board will be found the fittest persons to conduct this inquiry, and the Board have no doubt that the parochial board will be ready to afford their assistance.
- “ 2. No person who is on strike, or who declines to accept employment at wages sufficient to maintain him, should be admitted to participation. Such a person is out of employment solely by his own voluntary act.
- “ 3. No person in receipt of parochial relief, or in receipt of relief from a charitable society or association, or belonging to a society bound to support him; or who resorts to begging, should be admitted to participation.
- “ 4. No assistance whatever should be given without an equivalent in labour being exacted.
- “ 5. The best mode at once of applying this test, and at the same time of providing for an unemployed person, is to find him an offer of employment in his own or some other occupation of which he is capable, by private persons or public companies who are in need of workmen or labourers. No person who refuses such employment when offered to him should be assisted in any other way.
- “ 6. For those not thus provided for, means should be adopted to apply what may be termed an artificial labour test, and no person who refuses to submit to it should be admitted to participation. For this purpose stone-breaking, sand-crushing, wood-splitting, oakum-teasing, and many other simple occupations may be usefully organised. Covered sheds should be erected, so as to admit of work being carried on in all weathers. Labour-masters should be appointed to superintend this work, whose duty it would be to check and report idleness or absence. If any person alleges inability to do the work required of him, he should be examined by a medical officer, whose report would guide the administrators of the fund. In the case of women, work for which they are fitted should be provided for them, either in rooms hired for the purpose or at their own homes. In applying a labour test, the remunerative nature of the employment should be the last thing considered. Its value consists in the aid it affords in detecting imposture, in discouraging idleness, and in doing as little as possible to demoralise the recipients of the public bounty.
- “ 7. No assistance should be given from the fund in money, but solely in rations, coals, &c. Where there is a family, it is advisable that the rations intended for them should be given to them personally.”

The general relief of destitution among the unemployed is thus left to a great extent in the hands of charitable agencies, and it is matter of great satisfaction to observe the liberal and benevolent spirit with which the demands upon them have been met. In most towns a complete system of inquiry into all applications, generally conducted by voluntary workers, is instituted, in order to detect and prevent imposture, and the operations of local societies in granting relief are carefully considered by committees with a view of administering the most efficient and suitable help. In many instances substantial and ready help is also given by churches, friendly societies, trades unions, &c.

Charitable
organisations,
&c.

It is a curious coincidence that in two prints published last year, somewhere about the same time, but in distant places, a definition of the term "unemployed" has been attempted, and that the conclusions arrived at are substantially identical. The one volume is the "Report on Agencies and Methods of dealing with the Unemployed," issued from the Labour Department of the Board of Trade, and the other is the latest (1893) Report of the Dundee Charity Organisation Society.

To quote first from the Board of Trade Report:—

"The word 'unemployed,' though at first sight it may appear specific enough, is really an ambiguous term. Scarcely any two writers use it in the same sense, and part at least of the present confusion of ideas as to the possibility and methods of dealing with the evils arising from want of employment may be traced to the vagueness which attaches to the meaning of the word itself. . . . We may say that the term 'unemployed' is used in four distinct senses, though, of course, the classes of persons corresponding to each definition overlap to a greater or less extent.

- "1. Those whose engagements, being for short periods have terminated their last engagement on the conclusion of a job, and have not yet entered on another.
- "2. Those who belong to trades in which the volume of work fluctuates, and who, though they may obtain a full share during each year of the work afforded by their industry, are not at the given time able to get work at their trade.
- "3. Those members of various trades who are economically superfluous because there is not enough work in those trades to furnish a fair amount to all who try to earn a livelihood at them.
- "4. Those who cannot get work because they are below the standard of efficiency usual in their trades, or because their personal defects are such that no one will employ them."

And then from the Dundee Report, in which I have changed the order of classification to correspond with that in the above quotation:—

"The term 'unemployed,' which at first sight seems to explain everything, really explains very little, and it may tend to simplify the matter and give a clearer apprehension of the term 'unemployed' if the subject is divided into the following four classes. There are:—

- "1. Those who are unemployed owing to the irregularity of their engagements, such as dock labourers, street porters, &c., who may be said to be always more or less out of work, yet who manage to make a living out of the odd jobs they get.
- "2. Those who are unemployed during the winter months owing to the nature of their work, such, for example, as painters, masons, masons' labourers, gardeners, and all outdoor labourers generally, in which cases the shortening of the day, the state of the weather, and such like causes, necessitate a cessation of work, more or less recurring regularly every year; but such want of work, such unemployment, is an ordinary trade risk, and is so regarded by those engaged in these trades, and is generally discounted in the wages regularly earned when in full time.
- "3. Those who are out of employment owing to partial or entire stoppage of works from dull trade.
- "4. Those who get thrown out of work owing to their want of skill or through physical inability, for naturally no employer can be expected to keep inefficient workers when efficient ones are plentiful.

"The third class would seem to be that to which the term 'unemployed' can most correctly be applied, or rather the other classes may be called 'ordinary,' and the third 'exceptional' cases of the unemployed, and when circumstances arise which bring considerable numbers into this condition for any length of time, it does not appear unreasonable that every effort should be made to tide them over their temporary distress by well considered relief."

I consider that these definitions would have been more complete had they referred with greater distinction to that large section of the fourth class, which consists of dissolute, vicious, worthless loafers, who have no wish or intention at any time to do an honest day's work for an honest day's wage, and whose highest ambition is to procure by fair means, or otherwise, a few pence for a lodging-house bed, breakfast, and supper, when these necessities are not provided for them out of the public rates in the poorhouse or the prison. Unemployed is their chronic condition. The Board have already called the attention of the Secretary for Scotland to the need of further legislation for dealing with this class; and in the interest of the deserving members of

the third class, who suffer from their association, it is to be hoped that legislation will ere long be undertaken.

There is little doubt that much privation has been caused during the present winter, directly and indirectly, by want of employment, the number of persons in several centres of industry who have been unable to obtain work having been decidedly beyond the average of recent years. I report, in the Appendix, the result of my inquiries in each place visited, but, generally speaking, I was assured that destitution is not so clamant this winter as it was last. This is, in great part, to be accounted for by the open weather which prevailed until the end of last month, and which allowed outdoor labour to be almost continuously proceeded with. In the west of Scotland, I learned that distress was almost wholly caused by an unfortunate trade dispute which lasted from the beginning of October to the first week of the present month. It is now happily at an end, and a crisis which might have arisen with severe weather in February and March, will, it is hoped, be averted. It is impossible to arrive at any approximate estimate of the privation which has been caused in the centres of shipbuilding industry, but it is indisputable that there has arisen a vast amount of distress and destitution among a class of respectable working people who, in normal times, do not seek relief. The resources of many have been so far exhausted that they have been driven, in sheer desperation, to apply for parochial relief either for themselves or for those, fathers or mothers, whom they had hitherto supported. The following are a few typical cases taken from the records of a parochial board in the west of Scotland, suppressing names :—

General results.

A.B., a riveter, 39, wife 38, five children, 10, 8, 5, 3, and 1, decent family, idle for 14 months, now from want of necessities of life unfit for a day's hard work.

C.D., shipwright, 50, wife 36, four children, 8½, 6½, 5, and 2½, idle four months, very destitute, household effects pawned for food.

E.F., riveter, 32, wife 31, five children, 12½, 8, 5, 3½, and 1; out of employment for six months.

&c.

&c.

&c.

G.H., widow, 74; put on roll at 2s. 6d. per week; son, 44, joiner, married, nine children, *idle*; another son, 36, joiner, married, no children, *idle*.

J.K., widow, 45, two dependants, put on roll at 4s. 6d. per week; lives with daughter whose husband is *idle*. Son, 25, riveter, married, no children, *idle*; daughter, married, one child, husband *idle*.

L.M., widow, 64, put on roll at 2s. 6d. per week; son, 34, joiner, married, three children, *idle*.

&c.

&c.

&c.

In Dundee many similar applications for parochial relief have been made by ablebodied persons rendered destitute by want of employment, and most valuable aid has been rendered by the operations of the Charity Organisation Society. Dundee is a place in which it is nearly impossible to apply ordinary and strict rules to the administration of a relief fund, on account of the large proportion of unemployed who are female mill-workers, and who cannot be employed at any other work than that to which they are accustomed; even in the case of many of the male workers, their hands are unused to work with spade or hammer, and the application of a labour test is impracticable.

In Aberdeen there are many men who are able and willing to work, who can find no work at their usual employment. The town is fortunate in possessing at present, in the extension of the water reservoirs, a field for unemployed labour which may not prove unremunerative.

In Leith, owing to prolonged depression in the shipbuilding and relative industries, many men are out of employment, but the prospects of labourers, especially owing to the dock extensions, are now brighter.

In Greenock, on account of extended dulness in its chief industries, many are unemployed, or only partially employed, but distress was greater last winter, and the municipal authorities have not thought it necessary to institute relief works this winter.

In Galashiels and Hawick it is estimated that more persons are out of employment than there have been in any winter for 15 years.

In all these places destitution is relieved either by public works or by organised private effort, chiefly the latter. These schemes, however, only aim at tiding over a time of distress when it arises, and afford little help in solving the problem of making a permanent provision for relief of the unemployed. I was everywhere assured by officials and members of charitable associations that if distress increases, and

more money is required to relieve it, the funds will be forthcoming. It is, however, generally considered that the worst is past for this season, and that there is no cause for further anxiety. As a rule, respectable ablebodied artisans and labourers do not apply for parochial relief, but I have given a few cases to show that owing to stress of destitution some have this winter been compelled to apply. Whatever may have been the conditions in 1866, when the House of Lords held that "in the case of an ablebodied father, there is a presumption that he is able to gain his livelihood so as to support himself and family," it is clear that during the present winter in several places such a presumption could not be sustained.

Distress, as I have said, would have been much more pronounced this winter if it had not been for the openness of the season, and, I may add, the cheapness of the principal commodities of living. All the distributors of provision tickets with whom I conversed informed me, with regret, that the distaste of participants for oatmeal, and their preference for tea, had become very marked. The following are the prices of provisions five years ago which I obtained from the records in one of our largest poorhouses, and the prices paid for the same articles now. With reference to the bread, it may be explained that, as it is baked on the premises, the price does not fluctuate so much as the price of flour:—

Commodities.	January 1889.	January 1894.	—
	£ s. d.	£ s. d.	
Flour - - - - -	1 9 0	0 17 9	Per sack of 280 lbs.
Bread - - - - -	0 0 4½	0 0 3	Per 4 lb. loaf.
Potatoes - - - - -	0 0 6	0 0 4	Per stone.
Oatmeal - - - - -	1 10 0	1 9 0	Per sack of 280 lbs.
Barley - - - - -	1 1 0	0 19 9	" "
Peas - - - - -	1 1 0	0 19 6	" "
Rice - - - - -	0 10 3	0 8 6	Per cwt.
Cheese - - - - -	2 7 0	2 10 0	"
Sugar - - - - -	*1 0 0	0 16 3	"
Tea - - - - -	0 1 6	0 1 4	Per lb.
Boiling beef - - - - -	0 0 4½	0 0 4½	"
Butter - - - - -	0 0 9	0 0 9	"

* Of same quality would have cost.

So that over all these articles which cost 9*l.* 1*s.* 8½*d.* in 1889 can now be bought for 8*l.* 3*s.* 9½*d.*, or nearly 11 per cent. less; while the decrease in the price of flour is nearly 40 per cent., and the quantity which in 1889 cost 1*l.* can now be purchased for 12*s.*

Assuming that, on the whole, distress and destitution have been tided over for this winter, it appears probable, that in some of the towns they will recur at no distant date, and the question, how they can best be met necessarily arises. While the present system of voluntary action on the part of municipal bodies and private societies cannot be said to have failed, it has been suggested to me by several of the persons with whom I have conversed that an alteration of the law is desirable. They propose that the parochial board should be empowered in special instances to grant relief from the poor rate to the ablebodied, upon a representation to the Board of Supervision; and that with the consent of the Board, or the Secretary for Scotland, relief to the ablebodied should become legal within a certain area for a specified time.

The following is a list of the towns which I was asked to visit, and I have made in each case a summary of the information given me (*see* the Appendix to this Report), and it may be interesting to note, as showing the lack of information as to the state of trade and labour by any central authority, that, in some of the towns selected for visitation I found the industries active and trade in a prosperous state:—

Glasgow, Govan, Partick, Edinburgh, Leith, Dundee, Aberdeen, Forfar, Paisley, Greenock, Port Glasgow, Coatbridge, Airdrie, Motherwell, Perth, Kirkcaldy, Dunfermline, Kilmarnock, Hawick, Galashiels, Dumfries, Clydebank.

I cannot conclude without expressing an opinion that the subject requires a far more exhaustive investigation than I, alone and unassisted, have been able to attempt, more especially with reference to the relief afforded by trades unions and benefit societies, a branch of the subject which in the time and means at my disposal I was unable to overtake.

I have, &c.

(Signed) R. B. BARCLAY,
General Superintendent.

To the Chairman of
the Board of Supervision,
Edinburgh.

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APPENDIX.

GLASGOW.

Owing to very considerable depression in the winter of 1892-3 in the iron and shipbuilding industries, and other trades connected with them, the magistrates of Glasgow found it necessary to open relief works in the month of December 1892. The services of the Charity Organisation Society were called into requisition to receive and investigate the applications, and report thereon to the magistrates' committee. The work lasted from 8th December to 4th March 1893. During that time 2,801 men applied, 1,700 of whom were labourers. Upwards of 500 were connected with the iron trade. Of the total number who applied there were 525 living in municipal and common lodging-houses, and of these 473 were refused.

GLASGOW
(658,198).
PARTICK
(36,538).
GOVAN
(61,589)

The work provided was stonebreaking at Ruchill Park, and trenching and digging at Springburn Park. At first the men employed received 1s. a day, and those who wrought the whole week, or five days in the week, received 2s. on Saturday. In addition to this a breakfast of tea and bread before commencing work in the morning, and a dinner of soup and bread at midday, were supplied.

The magistrates' committee, believing that a large amount of the distress was chronic, and such as would exist even in the best of times, resolved after 10 weeks' operations to pay each man for the actual work he had done, being at the rate of 2s. per cubic yard for stonebreaking, and 9d. per cubic yard for digging. The result was that the numbers fell off in two or three weeks. Thereafter the works were closed. The highest number working on any one day was 870. The cost of the operations was 3,103*l.*, while the value of the work done was 1,402*l.*, thus showing a deficit of 1,701*l.*

In addition to the money paid in wages for work done, special cases of destitution were considered, and grants for rent amounting to 22*l.* 11*s.*, besides boots, blankets, and various articles of clothing were distributed by this society.

The following is the report, in January 1894, of the Board of Trade Labour Correspondent for the West of Scotland (Mr. A. J. Hunter):—

"Glasgow and West of Scotland."

"Mining."—The trade in Ayrshire has been well sustained since the termination of the recent dispute. The extra 1*s.* per day conceded at certain collieries during the dispute has been taken off. In Lanarkshire the demand for all sorts of coal has not diminished to any extent since work was resumed. At all the works where the advance of 1*s.* was granted it has been withdrawn. In Stirlingshire the same reduction has been made. Trade is brisk at Maryhill. Notice of a reduction of 1*s.* per day has been made on the iron ore miners, which will reduce their wages to the level of the early part of the year.

"Shipbuilding."—Although there is not much briskness in this industry, and matters are always at a standstill at the end of the year, there seems to be a hopeful spirit amongst the men. Shipwrights report that trade has been much the same as last month, but that they expect a number to be started on full time after the holidays.

"Steel and Iron Trades."—The steel smelters and the millmen report that the steel works have been able to re-start, and the usual holidays have been dispensed with. Since the close of the dispute, 32 furnaces have been re-lit, making 43 in all. The blacksmiths report that trade has been rather falling off, with an increase of unemployed; this position, however, is more due to the existing difficulties with other trades than to a scarcity of work in their own. The trade society has been bearing the present strain upon it without any difficulty. The ironmoulders report no change. The tinplaters have a considerable number idle. The iron dressers report trade during the month as very bad. The position of the blast furnacemen is reported to be better, as a considerable number of furnaces are being re-lit. The file-cutters report that trade still continues good; they have no unemployed. The scale-beam and weighing machine makers are also brisk. The range-stove and ornamental fitters report that range fitting during the month has been comparatively dull. The tool makers and machinists, and the sewing machine and cycle makers, report that all branches are very quiet.

"Building Trades."—The joiners, masons, and slaters report trade as fairly good; the sett makers as exceptionally good for the season. The bricklayers and paviors report trade as very dull; the plasterers as improved, with no members idle; both house and ship painters are very slack, not more than one-third being employed.

"Furnishing Trades."—The plate-glass workers have been dull, with few men wholly unemployed, but the majority partially so. The gilders have very few idle men, as this is their busy season. The upholsterers report no improvement.

"Woodworking Trades."—The coopers report trade as very bad, with a considerable increase in the numbers unemployed. The saw-mill operatives have three-fourths of their men on short time, and 10 per cent. out of work. The basket makers are all at work, but the prospects are not good.

"Textile Trades."—The warpers report trade as very bad. The power-loom beamers and the pattern weavers as rather dull.

"Clothing Trades."—The shoemakers and boot and shoe riveters report some improvement, and the tailors that trade is very bad.

GLASGOW, &c.

** Shipping.*—The sailors and firemen report a slight improvement, but are still very quiet. The dock labourers are considerably better off.

** Miscellaneous.*—The printers have not been very busy, and the bookbinders have also been quiet. The stoneware throwers report no improvement; two firms are standing idle, and two others are on half-time. The coachmakers have still 5 per cent. unemployed, with little prospect of improvement. The saddlers have been fully employed. The hackney carriage drivers are in the same position as before. The bakers are still very slack. The tobacco pipe makers are steadily employed, and have been so for the last three years. The spindle and flyer makers have been working overtime ever since the end of October. The general labourers report that work with them is still fairly good.—**A. J. HUNTER.**"

The magistrates have on several occasions this winter made inquiries as to the number and condition of the unemployed in the city, and the result of their investigations is reported to me in a letter from the Town Clerk of date 29th ultimo:—

"As you have been already informed verbally, the magistrates have more than once this winter applied to the various quarters from which they were most likely to get reliable information as to the state of matters existing in the city, and the minute of their sub-committee's meeting on 16th instant, immediately after they had the pleasure of seeing you here, bears that, having considered the information now submitted they were unanimously of opinion that the replies received from the various parties who were requested to give information, showed no such state of matters existing in the city as would warrant them taking any action in the meantime. It was, however, then arranged that the Lord Provost should call another meeting of the sub-committee whenever he considered it necessary to do so, with a view to their considering any new facts which might emerge. The subject is not being lost sight of."

Last year the condition of the unemployed was brought before the Glasgow Trades Council in November (1892); the subject has not yet been discussed in the Trades Council this winter.

In Partick, during the winter of 1892-3, there were very evident signs of distress and a joint committee of commissioners and residents arranged with the commissioners to provide employment for the unemployed at stonebreaking and road making, under supervision of the burgh surveyor. The men were paid by the commissioners at the ordinary rates charged by contractors for similar work. This winter, although unquestionably there are many out of employment, caused in great part by the joiners' strike, distress is not so great, and no application has been made to the commissioners by the unemployed. Rents of houses, which are paid monthly, are fairly well paid. A model lodging-house has been lately opened: the lodgers have to pay nightly, and, from 11th September to 30th November, an average of 1841 have been accommodated weekly. The operations of the Lanarkshire and Dumbartonshire Railway have cleared out a large number of small houses rented at 4/ or under. The tenants have left the burgh. The applications for parochial relief from the Partick District of Govan Parish have this winter been under the average. The applications for coal from the Partick Coal Fund, from 1st November 1893 to 10th January 1894, were 528 against 575 in the corresponding period of the previous year; but this season has been milder. The rates from small householders have been better paid this year than last, and although the railway rates, which are nearly 500%, are not paid, the total amount received at 10th January is higher than last year at same date. Out of 8,781 houses in the burgh only 309, or 3·5 per cent., are unoccupied.

In Govan any distress which exists is said to be owing to the joiners' strike, and want of work at Fairfield. Up to August last, about 6,000 men were employed at Fairfield Works, but since the launch of the "Lucania," in the autumn, few men have been at work there. The smaller engineering and shipbuilding works are fairly busy. Distress is principally among shipyard labourers. Last year men out of work were employed cleaning the streets, and were paid 2s. a day and had their dinner provided; about 350/ was paid out of the rates in this way, and it is considered that the sum paid was far in excess of the work obtained. In 1883, out of 12,218 houses 282 were unoccupied; in 1887, 1,777 were unoccupied; and in 1893, out of 12,955, only 299 were unoccupied. Govan is not so wholly dependent now on shipbuilding as it formerly was, as many girls find employment from the co-operative society and the silk factory; the former society employs about 2,000 hands, about one-half being girls; these do not all, however, reside in Govan. The police co-operate with the Charity Organisation Society and the clergy in relieving cases of destitution by providing clothing for children, and free dinners for children attending school, and distributing 1s. tickets for provisions, 2,000 of which have been given by the generosity of the provost (Kirkwood). A relief fund has been started, but employers are slow in contributing owing to the strike and lock-out.

There has been no material increase in the number of applications for parochial relief in the three Glasgow parishes. The numbers for the last three years were—

Parochial
reliefCity parishes of
Glasgow,
Govan and
Govan Com-
munion

	1891.	1892.	1893.
	18,535	18,520	19,106

or an increase of a little over 3 per cent. in two years. It must also be borne in mind that two of the poorhouses, Glasgow and Govan, are full, and as the test of the offer of indoor relief is map-

plicable, a much larger increase might have been looked for. The cases chargeable in Glasgow show an increase of 11 per cent. in three years:—

	1891.	1892.	1893.	1894.
	8,865	9,048	9,486	9,904

The reports which I have obtained from the inspectors of poor contain much valuable information. (See page 17 *et seq.*)

This society has been in existence 20 years. Primarily it was not established for the purpose of dispensing relief, but to *organise* charity and repress mendicancy, but as years went on it was found that there was no available source of relief for many of the cases brought under its notice, and which could not be dismissed unassisted. It therefore became necessary a few years ago to establish a fund to meet such cases. The society is managed by an acting council appointed at the annual meeting consisting of representatives of the subscribers, magistrates, parochial boards, presbyteries, and benevolent societies and missions. The following table shows the cases inquired into during the year ending October 1893, with the ascertained causes of destitution. During the last quarter of 1893 there has been a great increase in the number of applications—there have been 1,373 applications as compared with 897 in the previous quarter, and 1,237 and 1,026 in the corresponding quarters of 1892 and 1891:—

Charity
Organisation
Society.

TABLE showing the CASES scheduled during the Year, with the ascertained CAUSES of DESTITUTION.

Date.	Want of Work.	Intemperance.	Illness and Accident.	Old Age, &c.	Deserted Wives.	Bad Characters.	Not in Distress.	Cause Uncertain.	Total No. of Cases Monthly.
1892.									
November - -	97	61	185	11	2	13	11	—	380
December - -	192	42	180	19	2	2	11	1	449
1893.									
January - - -	223	87	103	10	2	9	8	1	448
February - - -	161	89	153	21	2	7	19	7	459
March - - - -	166	95	165	10	3	17	17	9	482
April - - - - -	196	55	106	18	4	2	16	11	408
May - - - - -	108	58	147	12	1	12	14	6	358
June - - - - -	94	69	145	5	1	9	15	1	339
July - - - - -	88	55	112	5	2	11	6	7	286
August - - - -	114	51	130	9	3	11	18	1	337
September - - -	101	50	104	6	6	1	6	—	274
October - - - -	122	62	140	9	2	23	23	4	384
Totals - - - -	1,662	774	1,670	135	30	117	163	48	4,599

Employment is provided temporarily in the society's labour yard.

Every unemployed able-bodied man, who applies for charity, is offered work at making firewood. The council is of opinion that this is the most efficient method of rendering assistance. On the one hand, it has enabled the society to assist the man who was really anxious to get work, while on the other hand, it has proved an effective means of detecting the loafer, or the man who will not work if he can help it. The labour yard has been of great service in enabling the council to distinguish between these two classes.

During the year work was offered to 491 men, of whom 294 accepted it. These attended 7,044 times, and the wages paid to them amounted to 438*l.* 6*s.* 8*d.*, being an average of 1*s.* 3*d.* per man daily. The men are employed from 9.30 till 5 o'clock, one hour being allowed for dinner. Every man is, as far as possible, put on piece-work.

503,853 bundles of firewood, and 79,203 composition firelighters were made. These being sold at the regular trade prices, realised 808*l.* 2*s.* 10*d.* The amount expended on wages, superintendence, wood, rosin, twine, and cartage was 1,125*l.* 7*s.* 2*d.* The erections, machinery, and stock on hand are valued at 675*l.*

In addition to these agencies dealing either directly or indirectly with want of employment, the society has lately started a scheme for dealing with homeless men, as the attention of the council was called some months ago to the number of men representing themselves as out of work, and begging for money to pay their lodgings. On looking into the matter, it was ascertained that during the months November to May last, 2,261 men had been lodged by means of the society's lodging tickets, which are sold to the public. Frequent complaints had been made as to the numerous applications for these tickets, because if a man receives one to-day there are sure to be other applications to-morrow. Recently a visit was paid at 11.30 a.m. to one of the model lodging-houses, when between 30 and 40 men were found lounging about the place. On the superintendent being asked why so many were there at that time of day, he replied that they lived by begging, and that that class was not confined to his house alone.

GLASGOW, SCOTLAND. The council have reason to believe that most of these men make no effort to obtain employment but loaf about all day, and in the evening go out with a pitiful tale about not being able to find work and having no home to go to. They are evidently quite content to live upon charity.

Believing in the general principle that no able-bodied man should be encouraged to live in idleness, the council has been considering some means of effectually dealing with this *homeless* class, and it is proposed to establish an industrial shelter, where food and lodging will be provided in exchange for work—the inmates of this shelter will be brought under the influence of voluntary workers, who will endeavour to lead them to a better mode of life, and train them to habits of industry and self-help.

Newspaper advertisement.

One of the Glasgow evening papers (the *Evening News*) offered free advertisement to unemployed persons, and from the 4th January to the 22nd (the latest copy which has been sent to me) 1,420 persons availed themselves of this offer, and 87 replies had been received by applicants. The editor states shortly the object at which he aimed to be—1. To find work, if possible. 2. To make visible the extent of the unemployed in Glasgow and district. 3. To show the need for a citizens' committee and a citizens' assistance fund, in order that the relief of respectable unemployed workmen requiring assistance may be placed on a broad and self-respecting basis. Whether the project has realised the intentions of its designer I cannot say, but it has been the means of calling forth expressions of opinion on the subject from many sources which inspire respect. A few of these I append:—

"I need not say you have entered on a big subject, around which there are many difficulties. Chief among these is the difficulty of helping without creating occasions of more helping. I may say that for more than 20 years as a city minister I have given personal attention to every appeal that has been made to me, and have come to the conclusion always to help, but never to help without personal and very strict investigation. With free breakfasts and street charities I have no sympathy. They only help a worthless class to prey upon the sentimentalities of the weak and the slothful. But for an honest and industrious man out of work I have all sympathy. Your effort will be productive of good in directing attention to the subject and enforcing the responsibility which the prosperous have to those who have not prospered. Your free advertising of those who are out of work will have little effect in getting work for them. So much depends upon individual effort and capability, that the public advertising of their necessity will little avail. If prosperous firms would consider the claims of old servants and not ruthlessly discharge them, the evil would be lessened; or if they would constitute a friendly society of themselves and their employees that would have in view sickness and old age, it would greatly help. While the men are working for them they have a power that would greatly help for the future. In regard to many others who are paid off in slack times or when firms fail, or cease to have work that is remunerative, we might have a labour bureau in connection with the town council. The Charity Organisation is the only apology for this, but the name is not happy, and it lacks the authority of assessment for this purpose. If it were incorporated with the municipality as the 'labour bureau' it would be better. They have done all they can, but they are not sufficiently supported. Prosperous citizens making their wills would, with confidence, bequeath a portion to an object so laudable under authority so recognised, just as in olden time people bequeathed to the poor under churches. The evil is, that at present people are distracted by the variety of competing organisations—Charity Organisation, Salvation Army, and others. Then also, in my opinion, this labour bureau, established by the municipality and managed by those they approve of, should have labour yards in every direction—not labour colonies far off, involving change of residence and expense of removal, but labour yards to which might be relegated easily in the first instance those who appeal to any citizen. The real difficulty is the disposal of the man who says he wants work and cannot get it. The solution is the establishment near at hand of a station where his willingness and fitness may be tested. I am, &c.

"Blackfriars Parish, January 8, 1894.

(Signed) THOMAS SOMERVILLE."

"MR. MOTTON'S SCHEME of WORK for the CHURCHES.

"We have come across a newspaper article written some years ago by Mr. Motion, Barony Parochial Board, which has an important bearing upon the unemployed question. After commenting upon the necessity for reform in almost every branch of the social condition of the poor, the writer puts forward the following very concise and comprehensive scheme for dealing with the various districts by action on the part of the churches:—"Let the city be mapped out into small districts, and let these be allotted among the various churches, missions, agencies, &c. in the district (of all denominations), much in the fashion followed by the Glasgow Home Mission Union. Let the people be visited, not in an inquisitorial way, but in the truest Christian kindness, and where anything comes under the eye of the visitor let him take the necessary notes and report to the proper legally-constituted authorities, such as the sanitary, police, poor-law, and the Charity Organisation as representing all charitable societies. The authority interested would at once step in and move in the direction required under the circumstances disclosed, and would thus provide for every case of poverty and destitution, and, at the same time, provide some definite information as to the state of the people. The Established, Free, United Presbyterian, and Roman Catholic Churches need have no fear of encroaching upon each other, if a family is discovered destitute of all religious attendance, let the visitor send the name and address of a Protestant to the City Mission, and of a Roman Catholic to the Archbishop as head of the Catholic body. It is an easy matter to ascertain whether the household is Roman Catholic or Protestant, or descended from either body. Why should not the whole clergy and office-bearers of all the Churches work together upon these lines?" The writer of the article then shows by statistics a striking decrease in pauperism during 10 years, and gives a list of

57 local charities. He concludes—‘The number of these agencies shows that there is abundance of money for the relief of poverty and distress of every description; and now to come to the main point. It has been known in many instances that the same person has been the recipient of relief from numerous channels, while the fact was withheld from each, and this shows the necessity for a charity exchange, where it could at once be seen from what sources aid was given to the one individual. The writer is of the opinion, founded upon a long experience and everyday observation, that the present state of affairs will never be improved until some measures of a repressive tendency are enacted and enforced, conjoined with district visitation and personal inquiry. So long as aged and infirm men and women, with families quite able to support and take care of them, are allowed to wander about the streets and become objects of public and private charity, so long will there be this apparent neglect of the poor before us. So long as fathers-in-law and their respective households, earning good wages, allow widowed daughters and daughters-in-law to become objects of public and private charity, so long will there be individual cases of poverty known to clergymen and others. So long as aged men and women are allowed, and have opportunities, to beg and spend their coppers in the public-house, so long shall we have open poverty and distress in the streets. So long as vice and immorality are rampant, young single women and young widows, with illegitimate children, will fill our poorhouses and institutions and recruit our industrial and reformatory schools and other homes. While the off-scourings of society, with loathsome diseases, are permitted to occupy beds in the wards of the public hospitals, so long will our hospitals and institutions be filled.

‘To illustrate the First. There are numerous cases known to men dealing with public and private charity where fathers and mothers are allowed to become inmates of poorhouses and recipients of public and private charity because the families will not agree as to what each should give to their poor parents.

‘Second.—Why should the public rates or private charity be called upon to support a young widow with two or three children, whilst the household of her parents has an income of 3*l.* per week as is not unfrequently the case; while the well-doing labourer, carter, &c., with a wage of 25*s.* a week pays rates without a murmur, which too often go to support such a case of so-called distress? What can be thought of the conduct of men in business who allow widowed sisters to become a burden upon public or private charity?

‘Third.—The streets are infested with many men and women past work who have never had what is called a home, who spend their time one week in and the other out of the poorhouse, who live off the public in a variety of ways well known to men who have anything to do with these poor unfortunates. It is impossible to advise them. These are the people who swell the statistics of the police court.

‘Fourth.—The last is the most painful. We have hospitals, homes, and all the remedial agencies possible, but with what results? Immorality is as rife as ever. The poor servant girl who is betrayed is to be pitied and cared for, and started on life anew. But what can be done with women who turn up unblushingly with their fourth, fifth, or sixth illegitimate child, and not by any means all by the same father? These women add more to the cost of public and private charity than blue-books and reports disclose. And men—young, middle-aged, and old, single, married, and widowers, afflicted with frightful diseases—fill our wards to an extent not credited in the city.’”

“Ex-Bailie CAMPBELL says:—I had to do with the distribution of relief during the famine year when Sir William Collins was Lord Provost. I have been a member of the city parochial board for several years. I acted as treasurer, and took an active part, along with Bailie Simons and Councillor Starke, in distributing relief to, specially, the wives and children of the unemployed last year. I have every confidence in the scheme proposed by the *News*. I have all along advocated the establishment by the town council of registration bureaux throughout the city. I consider a serious responsibility lies at the door of our local authorities in connection with the unemployed who are able and willing to work. The public should always remember the difference of the poor law here as compared with England. I have known cases where it was a very great hardship to refuse relief to able-bodied women. I have even known them to be turned out on the streets after having been some time in a poorhouse. It is not right to do anything to pauperise male or female able-bodied persons; still, I think really, when we cannot offer them work we must give them protection. In England, of course, able-bodied men and women can claim protection in the shape of getting relief from the rates or accommodation in the workhouse. I do not think the corporation could do all in meeting the distress, but I have no hesitation in saying that they could do much more than they have done, and instead of shirking the question they should have the courage to face and debate it. Meantime a registration and relief fund with the representative committee would have my warmest approval and support.”

“The Rev. HUGH ROSS, Free St. Stephen’s, who takes a kindly and thoroughgoing interest in philanthropic work and has a large experience in matters relating thereto, and who is an energetic member of the Charity Organisation, says he considers that it was a capital move on the part of the newspaper to take up the unemployed question in the way proposed, more especially with regard to free registration; and that in the past these matters had not at all received their due consideration from the press. The registration idea was a right one, and there could not be too much information gained on that subject. The Charity Organisation, for nearly 20 years, practically had such a registration, and in all from 4,000 to 6,000 cases passed through their hands every year. A great purpose would be attained by the registration scheme in the success of establishing or helping to establish the number of really genuine unemployed in the city. There were the questions

of the impostor, or the able-bodied individual who could work but would not work, and the willing but physically unfit, to be considered. Here was a marked difficulty. The latter body constituted a large class. Investigation was necessary. As a suggestion, it might be possible to get a large number of clerks—young fellows, say—who would take up this social work in preference to mission work, to go out in the evenings as investigators. From figures relating to the children's clothing scheme, out of about 3,000 parents about 95 per cent. had been returned as unemployed, and the majority of that number were found to be of the unfit class. Regarding the number of unemployed at present, there were two facts which came under his notice. The first was the increase in the number of people who had been convicted of drunkenness in the course of the week; and the second that he had learned there had been 2,000% more put into the savings bank this week than had been taken out. The inference was evident. Mr. Ross is not altogether impressed with the idea of the proposed citizens' fund, and after referring to the somewhat questionable success of the Mansion House scheme, he says the opinion of authorities on the subject was entirely against such a proposal, as it was considered that a fund of the sort was apt to do more harm than good in its administration."

"Mr. J. T. STRANG, secretary to the Glasgow Charity Organisation Society, who is in sympathy with the motive which prompted our action, says that, after his own experience, he felt inclined to favour the opinion that the proposed scheme of registration would not have the desired effect. The Charity Organisation Society kept a register during a previous period of depression, and invited employers to make use of it. The latter, however, used it on very few occasions, for the reason that they could get as many workmen as they wished hanging around the vicinity of their works. The men gladly accepted any terms, which in many cases were very much below the average. While maintaining that the action of the *News* would lead to similar results, Mr. Strang expressed the pleasure it would have given him to co-operate had the scheme gone on lines which the association he represented had not already tried. He did not doubt but that the free advertisements would have an ameliorative effect to a certain extent, but he could not foresee how this would lead to a final settlement of the difficulty. As to the citizens' assistance fund, Mr. Strang favours the conviction that if anything of this kind is to be done, it ought to be through one channel, and that channel a specially organised association. This course would prevent overlapping, and arrangements could be better facilitated."

"Rev. JOHN PARKER, St. James's Parish, writes:—Permit me to congratulate you on the effort you are making in behalf of the unemployed. I was just on the point of calling a meeting of parishioners to organise something in the way of a labour bureau for our own parish when your proposal reached me. I still think that if there were a standing committee in each parish, consisting of clergymen, missionaries, shopkeepers, and employers of labour, who should make it their business to deal personally with every case of destitution and to endeavour to get work for the unemployed, a great step would be taken in the direction of elevating the masses. Those of us who live in the midst of the people are often in despair. There are so many loafers, so many whose poverty is of their own making; and then one feels that the worst cases are those one never hears of—the respectable men who when out of work, or working on reduced wages, are brought almost to starvation point and who will die rather than 'make a poor mouth.' Personal investigations on the part of residents, who would do their work in a humane and sympathetic way, would, I am convinced, bring to light many a case of honest poverty nobly and uncomplainingly endured; and although there might be a little imposition at first, the impostors would soon get to be known, and be compelled to shift their quarters elsewhere. Indiscriminate private charity is the greatest evil of all. It encourages the loafers, who can always pick up enough to keep them going and secure a bed in a lodging-house. But I would give even the loafer a chance. It is surely too much to expect perfection from the class which starts on the journey of life with fewest advantages. Perhaps, considering their surroundings, the wonder is not that we have so many, but that we have so few of that sort. There are two classes that I think deserve special attention. The first is the incapables. Just as we have 'stickit' ministers, so there are 'stickit' workmen—men who somehow can't get on, and don't get on. Want of brain power, want of physical energy, whatever it may be they are always out of a job. Yet if they are decent sort of men one would like to help them. Then there are the old folk."

"Rev. ARCHIBALD BLACK SCOTT, B.D., Assistant Minister, Cathedral:—There will be no lightening of the distress and wretchedness of our parishes till they have been faced in a practical way. The well-to-do and comfortable citizens must take more interest in their unfortunate brothers. Every comfortable citizen would only be doing his duty if he were to take a brotherly care of all the families resident in one close, or two citizens might have this care divided between them."

"Let Glasgow be divided into districts. Let every church, charitable, and reformatory society have a district allocated to it. Let these bodies, in turn, allocate a close to one or two men. Let these take an interest in the residents, help the needy, help the unemployed in their own particular district to find work, make a note of the lazy, the careless, and the criminal. It is not imagined that every worker will give help at his own expense; he may do this through the charitable, parochial, or other authorities."

"Let there be a central authority organising all the branch societies. Let every worker report of the families under his care to the local secretary, and let the latter pass on the information to head-quarters or seek their help if needed. All information from branches would be recorded and kept."

Under such a scheme lazy and criminal citizens would be left to the mercy of the sanitary and police authorities, the deserving poor would be helped, the unemployed could be helped in the search for employment, and, if men of good social position were to enter into this scheme, might have it found for them. Money would be needed for this scheme, but not any more than is spent at present in aimless, and often misdirected charity. The success would depend not so much upon money as upon our best citizens. They would need to become privates in the ranks. Glasgow would have its reward in an elevated population, a better spirit between rich and poor, and a good conscience.

"I have often thought of such a scheme as is here sketched in outline. It is the result of some years of experience in parochial work. It was revived in my mind lately by hearing of a similar scheme from one of our leading citizens—a citizen who knows our social problem better than most of us."

"Miss MARGARET IRWIN, the secretary of the Women's Protective and Provident League, who as Assistant Labour Commissioner, has had a very wide experience of the conditions of women's labour throughout Scotland, is of opinion that there is a great lack of employment, particularly in the textile trades. Still she believes that much may be done by any means that will bring the work and worker together, for although the workers are in so many instances in excess of the demand for work, much of the present misery might be alleviated by bringing employers into touch in some regular and systematic way with would-be employes.

"As to the citizens' fund, Miss Irwin had not sufficiently investigated the scheme proposed by the *News* to give a definite opinion regarding it. Broadly speaking, she found the idea admirable, particularly in its strong tendency against pauperisation. One of the defects of our present social system was too much philanthropy. Men and women who desired work should be assisted to find it not as a matter of charity, but as a mere work of justice. Of course, there were times when the first duty was to administer charity; it was impossible to cling to economic principles and see human beings starve. Personally, Miss Irwin would be in favour of a fund to be (partly at least) devoted to creating employment. At the same time she fully recognised the danger of creating a new difficulty if the new industries were to undersell their legitimate forerunners in the industrial field. Competition almost invariably tended in the direction of underselling in the market, and the last state might come—unless the danger could be avoided—to be worse than the first."

"A TRADE SECRETARY'S OPINION.—Your proposed citizens' assistance fund should become a permanent one and take the form of a society. I think the best way to contribute would be to send subscription sheets to all employers of labour. Such is the custom when collecting money for the infirmaries. The workmen go round with the sheet, the amount agreed upon is entered, after which the sheet is handed back to the employer, then kept off the workmen's pay. Some employers have a 'sickly' society connected with their works. I think it would be better to do away with such and pay into one common fund such as the citizens' assistance fund, and bear one another's burdens. This fund would stand good for all times, not only to relieve the unemployed, but likewise the poor and the needy in distress. I sincerely trust that our ministers and missionaries will take a lively interest to help on this benevolent scheme. In cases of distress application should be made to either. A note off their hand could be handed in to those in charge of the society, who might have a committee to see into the case."

CITY PARISH, GLASGOW.

Replies to Queries by Inspector of Poor.

1. Is there any material increase this winter?—There is not a material but a moderate increase.
2. If so, how are they being dealt with?—The poorhouse is up to the limit of the board of supervision, and the numbers receiving outdoor relief have, in consequence, increased.
3. Opinion as to present aspect of affairs.—There is certainly more destitution in Glasgow this year, and it has become more apparent since the new year began on account of the cold weather. The aspect of affairs is not a bright one, as a great many labourers do not seem to be able to find employment.
4. Is any increase to be anticipated?—Yes, I think there will be an increase during the next two months, which may be modified by a change to open weather. Our numbers are swollen much by men coming into the city from country districts seeking employment, but, of course, this takes place every year.
5. If so, will there be any difficulty in meeting it?—There will be some difficulty in this parish in meeting the wants of all those who apply for relief on account of the absence of poorhouse accommodation, but, as has been done during the last few years, a greater number will require to have outdoor relief. The sick requiring hospital treatment must, however, be provided for in the poorhouse.
6. Is any exceptional arrangement necessary?—So far as the city parish is concerned I do not think this will be required for the present year, as the worst would be nearly over before special arrangements could be made, but if applications for relief are to be as numerous next winter the question must

GLASGOW, &c. force itself upon us as to how further indoor accommodation is to be got. Probably, some near poorhouses may have vacant beds. As to the able-bodied, I would say that there should be some permanent arrangement in Glasgow whereby these men could find some sort of employment when going about idle and get their support for labour done. In short, a large test establishment is required, whether to be worked by the corporation, or the Charity Organisation Society, or otherwise would need to be considered. The parochial board can do little in the present state of the law.

7. Able-bodied applying.—Some have applied either for themselves or families. Since 1st October 42 have applied, and been refused, as follows:—

Labourers	-	-	-	-	-	-	-	25
Boot finisher	-	-	-	-	-	-	-	1
Shoemaker	-	-	-	-	-	-	-	1
Engine fitters	-	-	-	-	-	-	-	2
Pensioner	-	-	-	-	-	-	-	1
Painters	-	-	-	-	-	-	-	4
Weaver	-	-	-	-	-	-	-	1
Red leader	-	-	-	-	-	-	-	1
Iron planer	-	-	-	-	-	-	-	1
Carter	-	-	-	-	-	-	-	1
Wood turner	-	-	-	-	-	-	-	1
Iron dresser	-	-	-	-	-	-	-	1
Iron moulder	-	-	-	-	-	-	-	1
Porter	-	-	-	-	-	-	-	1
Total	-	-	-	-	-	-	-	42

As we do not make inquiry into the circumstances of those who are refused, because they are certified able-bodied, I am unable to furnish information as to the character of the applicants.

8. Do parochial officials, burgh officials, and charities co-operate?—No, not to any appreciable extent. Two representatives attend meetings of the Charity Organisation Society, and if applicants for relief there are not suitable, they are referred to the parochial board.

9. (A.) Number of applications—

Date.	1891.	1892.	1893.
1st January to 31st March	2,597	2,489	2,317
1st April to 30th June	2,172	2,108	2,193
1st July to 30th September	1,911	2,089	2,123
1st October to 31st December	2,284	2,228	2,329
	8,964	8,914	8,962

(B.) Number of poor chargeable—

	1891.	1892.	1893.	1894.
Number—Outdoor roll	2,974	3,100	3,184	3,217
Poorhouse	1,066	1,003	1,050	1,130
Other parish poor	267	232	251	252
	4,307	4,335	4,465	4,579

10. Date when assessment for poor due?—1st October.

11. Rate of assessment on owners—

1890-1.	1891-2.	1892-3.	1893-4.
4 <i>d.</i> per £.	5 <i>d.</i>	5 <i>d.</i>	5 <i>d.</i>

12. Amount paid at 5th January—

GLASGOW, &c.

	1891.	1892.	1893.	1894.	
	£ 29,454	£ 31,677	£ 35,485	£ 36,440	

Ratepayers exempted.—

	1891.	1892.	1893.	1894.
Poverty - - - -	1,367	1,372	1,494	Not
Irrecoverable - -	6,515	6,624	6,616	ascertained.

BARONY PARISH, GLASGOW.

*Replies to Queries by Inspector of Poor.*1. No. *See* accompanying returns B.

4. No.

5. No.

6. Nothing further than what has prevailed during the last few years in Glasgow, by giving work through the magistrates and the Charity Organisation Society; but the difficulty is to create work which will not interfere with other employers and employes. Stonebreaking, for instance, has been the means of throwing idle a number of men who gained a livelihood thereby.

7. Classes of ablebodied applying.

(a.) Respectable skilled workers.—None.

(b.) Respectable labourers.—None.

(c.) Dissolute.—A few, not many, and these apply chiefly in consequence of the illness of their wives, who, in most cases, require hospital treatment.

The destitute ablebodied, so far as I can gather, are not those belonging to any of the skilled trades in the city, but are generally of the labouring classes, and those who are discharged from the prisons throughout the year, and who number over 10,000 per annum, or roughly from 35 to 50 per day.

8. Yes, to the fullest extent.

9. Statistics (as per statements A. and B.). (*See* page 20.)

11. Rate of assessment for poor, on owner, 1890-1 to 1893-4—

	1890-1.	1891-2.	1892-3.	1893-4.
	5 $\frac{1}{8}$ d. per £.	5 $\frac{1}{8}$ d.	5 $\frac{1}{8}$ d.	5 $\frac{1}{8}$ d.

12. Amount of owner and tenant poor rate paid at 5th January 1891-4—

	1890-1.	1891-2.	1892-3.	1893-4.
	£ s. d. 45,017 5 9	£ s. d. 44,367 1 6	£ s. d. 45,728 15 6	£ s. d. 47,499 18 2

13. Number exempted in these four years.—Appeals wholly exempted.

	1890-1.	1891-2.	1892-3.	1893-4.
	670	572	683	852
				Not yet disposed of.

MALE APPLICATIONS during the Three Months ending 31st December 1893, showing the various OCCUPATIONS, &c.

Occupation.	No.	Occupation.	No.	Occupation.	No.
Bakers - - - -	2	French polisher - - -	1	Rope spinners - - -	2
Beavers - - - -	2	Gas fitters - - - -	2	Sawyers - - - -	2
Beamer - - - -	1	Granite polisher - - -	1	Seamen - - - -	8
Blacksmiths - - -	9	Grocer - - - -	1	Ship carpenters - - -	3
Black printers - - -	1	Glass blowers - - -	2	Shoemakers - - - -	25
Boiler-makers - - -	4	Hammermen - - - -	9	Slaters - - - -	2
Borers - - - -	2	Hawkers - - - -	14	Spirit merchant - - -	1
Bottlers - - - -	2	Hot presser - - - -	1	Stevedore - - - -	1
Brass-finishers - - -	2	India rubber worker - -	1	Stonemason - - - -	1
Bricklayers - - - -	3	Iron turners - - - -	6	Stone dresser - - - -	1
Brush makers - - -	2	Joiners - - - -	7	Storemen - - - -	3
Carters - - - -	25	Labourers - - - -	195	Strapper - - - -	1
Cartwright - - - -	1	Leather dresser - - -	1	Tailors - - - -	9
Coach-builder - - -	1	Marble cutter - - - -	1	Tea merchant - - - -	1
Cooks - - - -	2	Masons - - - -	5	Tobacco spinner - - -	1
Coopers - - - -	2	Measurer - - - -	1	Toy maker - - - -	1
Chairmakers - - - -	3	Miners - - - -	19	Ticket writer - - - -	1
Chandler - - - -	1	Moulders - - - -	7	Waiter - - - -	1
Clerks - - - -	8	Musician (street) - - -	1	Warehouseman - - - -	1
Crate maker - - - -	1	Packer - - - -	1	Weavers - - - -	24
Currier - - - -	1	Painters - - - -	9	Wood carver - - - -	1
Dentist - - - -	1	Piano tuner - - - -	1	Writer - - - -	1
Draper - - - -	1	Picture frame makers - -	2		
Drover - - - -	1	Porters - - - -	3		
Dyers - - - -	2	Pottery worker - - - -	1	Total - - - -	492
Engineers - - - -	12	Quarrymen - - - -	2		
Firemen - - - -	8	Riveters - - - -	4		

A. NUMBER of POOR chargeable at 1st January 1891-94.

Year.	Outdoor Poor.			Indoor Poor.			Other Parish Poor.		
	Adults.	Depts.	Total.	Adults.	Depts.	Total.	Adults.	Depts.	Total.
1891 - - - -	1,383	1,681	3,064	873	82	955	190	252	442
1892 - - - -	1,396	1,689	3,085	965	79	1,044	180	283	463
1893 - - - -	1,369	1,604	2,973	1,007	93	1,100	202	327	529
1894 - - - -	1,436	1,731	3,167	1,043	117	1,160	196	255	451

Number of applicants offered poorhouse by relief committee for six months ending 14th August 1893 - - - - 1,978

Number who accepted offer - - - - - 1,563 or 79.02 per cent.

Number who did not accept offer - - - - - 415 or 20.98 "

Number offered poorhouse for three months ending 31st December 1893 - - - - - 1,096

Number who accepted offer - - - - - 799 or 72.90 per cent.

Number who did not accept offer - - - - - 297 or 27.09 "

B. APPLICATIONS for RELIEF for each Quarter, Years 1891, 1892, and 1893.

Quarter.	New.	Old.	Total.
1st January to 31st March 1891 - - - -	619	1,027	1,646
1st April to 30th June 1891 - - - -	498	879	1,377
1st July to 30th September 1891 - - - -	393	861	1,254
1st October to 31st December 1891 - - - -	510	957	1,467
1st January to 31st March 1892 - - - -	566	1,032	1,698
1st April to 30th June 1892 - - - -	457	906	1,363
1st July to 30th September 1892 - - - -	440	894	1,334
1st October to 31st December 1892 - - - -	462	851	1,313
1st January to 31st March 1893 - - - -	522	939	1,461
1st April to 30th June 1893 - - - -	451	975	1,426
1st July to 30th September 1893 - - - -	463	951	1,414
1st October to 31st December 1893 - - - -	527	950	1,477

SUMMARY OF APPLICATIONS.

GLASGOW, &c.

Quarter.	1891.		1892.		1893.	
	New.	Old.	New.	Old.	New.	Old.
First quarter - - - -	619	1,027	566	1,032	522	939
Second „ - - - -	498	879	457	966	451	975
Third „ - - - -	393	861	440	894	463	951
Fourth „ - - - -	510	957	462	851	527	950
Total - - - -	2,020	3,724	1,925	3,743	1,963	3,815
Gross total - - - -	5,744		5,668		5,778	

GOVAN COMBINATION PARISH, GLASGOW.

Replies to Queries by Inspector of Poor.

SIR,

I BEG to acknowledge receipt of your letter of 5th instant, with enclosed form of queries, with reference to the destitute ablebodied in this Combination, and replies to the queries to the best of my knowledge are subjoined :—

1. Applications for relief.—The statistics of these for the years 1891, 1892, and 1893 are given herein under Query 9a.

I have only to add that there has been a general increase in the number of applications during the whole of last year, and that the last quarter of 1893 does not show a greater ratio of increase over the previous year than the other quarters do, except the first.

2. The applications are dealt with on the same principles as formerly. Some have been placed on the outdoor roll. Some have been sent to poorhouse. Some to asylum. Some withdrawn. Some refused, &c.

The following is the manner in which the applications from the middle of November till the middle of December have been dealt with :—

On outdoor roll, 112; poorhouse, 150; medical relief only, 22; asylum, 14; clothing only, 13; interim relief, 7; refused, 22; no appearance, 19; withdrawn, 9; adopted by other parishes, &c., 14. Total, 382.

3. I am of opinion that there are a great many unemployed men in the parish at present. Some of the shipbuilding yards are slack. General business is dull, and the present severe weather will add to the number of idle men through the stoppage of outdoor work, such as mason work, labourers, &c. I believe, also, that owing to the general dulness of business there are a good many lads and girls out of work, the sons and daughters of widows, thus reducing materially their means of subsistence.

4. Unless the severe weather continues for a lengthened period I do not anticipate a very great increase of the present distress. The prospects in the shipbuilding trade are rather better since the beginning of the year. There is a good deal of briskness in the building trade; and were the strike of the joiners settled, I believe there would be a fair revival of trade.

5. There will be no difficulty in meeting the increased number of applications for relief, in so far as proper objects of parochial relief are concerned. The only difference between the present and former periods being that as our poorhouse is at present very full, we will require to give more outdoor relief than we would otherwise have done.

As regards the ablebodied poor who apply, we do not undertake to relieve them except in cases where some member of the family is in very bad health, requiring urgent treatment, in which cases we grant outdoor medical relief, and in a very few extreme cases we grant admission to the patient to the poorhouse hospital.

6. No other exceptional arrangements are adopted.

7a. Almost no respectable skilled workers apply to the board.

b. Not many respectable labourers apply.

c. A goodly number of the dissolute and improvident class apply from model lodgings, &c., and many of these are more or less broken down in health, through dissipation and poverty. It is somewhat difficult to deal with these. Where they have been certified partially fit for work, I have in some cases offered the poorhouse, but in other cases, and for the first time, I have, for the reason given above (poorhouse full), granted outdoor relief.

8. The parochial boards have not for some years given any active assistance to the magistrates and town council in dealing with the unemployed, the Charity Organisation Society being employed as the investigating agent. But when cases suitable for parochial relief have come before the magistrates or Charity Organisation Society, and been referred to the parochial boards, we have dealt with them in a liberal spirit, and when cases of ablebodied applicants for relief have come before our notice, we (inspectors) have referred them to the municipal relief offices or to the Charity Organisation Society.

There is perfect harmony of feeling and action amongst the various bodies.

GLASGOW, &c. 9. A. Applications for parochial relief—

Quarter.	1891.	1892.	1893.
1st January to 31st March - - - - -	1,023	1,018	1,065
1st April to 30th June - - - - -	917	842	976
1st July to 30th September - - - - -	882	952	1,092
1st October to 31st December - - - - -	1,005	1,126	1,233
Totals - - - - -	3,827	3,938	4,366

B. Number of sane poor chargeable to parish at 1st January in year—

—	1891.	1892.	1893.	1894.
Resident poor on roll (outdoor) - - - - -	1,291	1,378	1,470	1,579
Non-resident poor on roll (outdoor)* - - - - -	622	599	592	594
Dependants of above - - - - -	2,251	2,429	2,537	2,847
Other parish poor resident in Govan - - - - -	191	209	192	219
Dependants of other parish poor resident in Govan - - - - -	361	364	288	315
Indoor poor, including dependants - - - - -	630	585	781	852
Totals - - - - -	5,346	5,564	5,860	6,406

* Including boarded out children.

10. Amount of poor rate on owners per £ in—

	1890-91.	1891-92.	1892-93.	1893-94.
	<i>4d.</i>	<i>4d.</i>	<i>4d.</i>	<i>4d.</i>

11. Amount paid at end of December—

—	1890.	1891.	1892.	1893.
Poor rate - - - - -	£ 26,510	£ 23,576	£ 24,496	£ 26,394
School rates - - - - -	21,130	18,329	20,786	25,314
Totals - - - - -	47,640	41,905	45,282	51,708

12. Number of ratepayers exempted in above years (exclusive of paupers) on ground of poverty :—

	1890-91.	1891-92.	1892-93.
	2,056	2,072	2,135

The committee have not yet considered the appeals for 1893-94, but the number of appeals up to date is not above the average.

REMARKS.

On the general question of the state of the parish in relation to the unemployed and destitute able-bodied, I may be permitted to remark :—

- (1) That matters are not so bad as they were several years ago, when trade was much worse than it is at present.
- (2) That the shipbuilding yards are somewhat slack at present, but several good orders have been received within the last few weeks.

- (3.) That a good deal of want of employment in the parish has been caused by the strike of the joiners. GLASGOW, &c.
- (4.) That the building trade in and around Glasgow is fairly good, and will be for some time to come; and wages are good in these trades.
- (5.) That there is a good deal of employment for labourers, navvies, &c., in the formation of city and suburban railways, and in the extension of the Glasgow Waterworks, &c., and wages are good to these workmen.
- (6.) That the destitution is chiefly felt amongst the lower class of workmen, who are never in constant employment, and who have never any resources to fall back upon. Many of these are dissolute.
- (7.) This class should be tested with work, and not granted mere charity. They should be paid bare subsistence wages.
- (8.) The better class of workmen, especially those with wives and families, should be more generously treated, both in regard to the nature of the work they are put to, and the remuneration allowed to them for that work.
- (9.) The finding of employment for the unemployed in seasons of distress can only be sufficiently overtaken by municipal and local authorities, assisted by private contributions. It would not be desirable to place this duty upon the parochial boards, as it would have a pauperising tendency, and it should not be left to mere private charity, as that is fitful and unsystematic.
- (10.) If the traffic in strong drink were abolished, and many working men to become more sober in their habits, trade would be greatly improved, and the general body of the working classes would have more means at their disposal than they have at present.

I am, &c.

ANDREW WALLACE,
Inspector.

CHARITY ORGANISATION SOCIETY.

1. Yes. Chiefly within the last fortnight. Last winter at this period we scheduled 903 applications. This winter we have scheduled 1,084, being an increase of 181.

2. They are dealt with by temporary work being provided in our labour yard, Alexandra Parade, but we are not able meantime to provide for all who apply. Others are helped by a grant of money, food, and clothing.

3. The present outlook is by no means reassuring. The shipping is in a very depressed condition, and there is little or no work for dock labourers, and sailors and firemen are also unemployed to a great extent.

4. If this weather continues, there will be an increase, outdoor work will be interfered with.

5 and 6. If the numbers become very great, exceptional arrangements will be necessary. Last year's experience showed that many on the roll would not accept work.

7. For every skilled workman who applies there are three labourers, and a good number of the latter are unfortunately dissolute. A *respectable* skilled workman seldom applies for assistance.

8. Parochial officials are precluded by law from dealing with unemployed *able-bodied* men. The magistrates of the city are in full co-operation with us, and are at all times ready to help when a period of exceptional distress occurs.

9.—

1891.		1892.		1893.	
1st January to 31st March	1,073	1st January to 31st March	1,181	1st January to 31st March	1,384
1st April to 30th June	851	1st April to 30th June	914	1st April to 30th June	1,105
1st July to 30th September	690	1st July to 30th September	846	1st July to 30th September	897
1st October to 31st December	1,026	1st October to 31st December	1,237	1st October to 31st December	1,373
	3,640		4,178		4,759

EDINBURGH.

The following exhaustive report by Mr. J. Mallinson to the Lord Provost's Committee of the Edinburgh Town Council bears on the state of employment for skilled and unskilled workmen in Edinburgh, and gives statistics of those registered as unemployed at a registry which was opened in the Moulders' Hall from 25th to 29th December 1893. It was sent to me with the following letter from the town clerk:—

Unemployed.

"City Chambers, Edinburgh,
"29th January 1894.

SIR,

IN reply to your letter of 27th instant, I hand you herewith a print of a report made by the Lord Provost's Committee on the subject. That report was submitted to the magistrates and council

at their last meeting, and the subject of it remitted to the Lord Provost's Committee to report as to whether any steps should be taken on the part of the corporation to provide work for the unemployed,

I am, &c.

WILLIAM SKINNER,
Town Clerk."

STATISTICS BEARING ON THE STATE OF EMPLOYMENT FOR SKILLED AND UNSKILLED WORKMEN IN THE CITY OF EDINBURGH—December 1893.

The information in this return deals with the workmen in the city of Edinburgh only; and the methods by which it was obtained are as follows:—

For the skilled men, the secretary or other official of the union in each trade was waited on, and asked to give a return of the approximate number of men in the city belonging to the trade. This can be done with some accuracy, as most of the trade unions take a periodical census of the men working at the trade, and, even where this is not done, the union officials can give a fair approximation of the numbers working at the trade. The figures showing the numbers unemployed in each trade are based on the number of members of the union unemployed, but in estimating the total numbers unemployed in each trade it has been taken into consideration that in almost every trade the members of the union are the best and steadiest workmen, and are consequently the best employed, so that the per-centage of unemployed in each trade as a whole is somewhat in excess of the per-centage of union men unemployed.

In order to obtain the numbers of unskilled workmen unemployed, a temporary registry was opened in the Moulders' Hall, 104, High Street, from the 25th to the 29th of December inclusive, from 4 to 7 p.m. The registry was advertised in the four daily newspapers of the city on Saturday 23rd December, and also by 500 bills which were distributed amongst the shops in the working-class districts, and which were, on the whole, prominently displayed in shop windows; so that it may be assumed that it was well known amongst the working classes that the unemployed were being registered. Those who registered themselves were asked to give the following particulars, the answers being scheduled, viz.:—Name and address, occupation, name and address of last employer, length of time idle, whether or not a member of a trade union, whether married or single, number of family.

Statistics of Unskilled Workmen.

The building trades, which include masons, bricklayers, joiners, lath-splitters, plasterers, plumbers, glaziers, and painters, give employment to about 4,500 men, of whom about 295, or 6·5 per cent., are estimated to be out of work. This high per-centage is mainly due to the large number of painters out of work. Excluding this trade, the other eight trades do not show more than 3·5 per cent. unemployed. Masons and bricklayers are fairly well employed, joiners come next, the minor branches showing the largest number of unemployed.

The printing and allied trades, which include typefounders, stereotypers, compositors, press and machine men, lithographic printers, lithographic artists, and bookbinders, employ about 2,588 men, of whom about 61, or 2·4 per cent., are unemployed. These trades have been better employed during December than for some months previous.

The cabinetmaking and furnishing trade, which includes cabinet and chairmakers, french polishers, and upholsterers, give employment to about 835 men, of whom about 60, or 7·1 per cent., are estimated to be out of work.

The iron, engineering, and metal trades, which include ironmoulders, patternmakers, engineers, blacksmiths, hammermen, coppersmiths, brassfounders, and tinsmiths and gas meter makers, employ about 1,970 men, of whom about 170, or 8·6, are idle.

The clothing trades, which include tailors, boot and shoe makers, and hatters, give employment to about 2,050 men, of whom about 22, or 1 per cent., are out of work. The condition of the tailoring and shoemaking trades has not been so depressed for a number of years, and although there are few men absolutely without work there is a large number who are only half employed.

The miscellaneous trades, among which are included coopers, brushmakers, bakers, glassmakers, glasscutters, skimmers, tanners, curriers, horseshoers, coachmakers, soldiers, gilders, and saw mill operatives, give employment to about 2,310 men, of whom about 132, or 5·7 per cent., are unemployed.

The above returns show that out of about 14,253 skilled workmen, about 743, or 5·2 per cent., are unemployed. Of these, probably not more than a fourth are receiving out-of-work benefit from the trade unions, as, owing to the long depression, a considerable number of union members have received all the benefit to which they are entitled by the rules of the unions, besides which this return includes those who are not members of any union.

STATISTICS OF THOSE REGISTERED IN MOULDERS' HALL, FROM 25th to 29th December 1893.

During the five days the registry was open 749 men entered their names as unemployed. Of these, 316 described themselves as skilled workmen, of whom 67 were members of trade unions, 342 were general labourers, the remaining 92 belonged to various occupations, of whom the larger proportion were porters, vanmen, or carters.

The following tables show in detail the occupation of those registered, their ages, and the length of time they have been out of employment.

List of Occupations of those registered

EDINBURGH.

Building Trades—						
Masons	-	-	-	-	-	11
Bricklayer	-	-	-	-	-	1
Joiners	-	-	-	-	-	6
Lathsplitters	-	-	-	-	-	6
Plumbers	-	-	-	-	-	9
Slater	-	-	-	-	-	1
Painters	-	-	-	-	-	51
Stonecutters and polishers	-	-	-	-	-	2
Total	-	-	-	-	-	87
Printing, bookbinding, &c.—						
Typefounders	-	-	-	-	-	6
Compositors	-	-	-	-	-	2
Press and machine men	-	-	-	-	-	15
Lithographic printers	-	-	-	-	-	7
Lithographic artist	-	-	-	-	-	1
Wood letter cutter	-	-	-	-	-	1
Bookbinders	-	-	-	-	-	3
Paper rulers	-	-	-	-	-	3
Paper cutter	-	-	-	-	-	1
Total	-	-	-	-	-	39
Iron, Engineering, and Metal Trades—						
Patternmaker	-	-	-	-	-	1
Engineers, turners, fitters, &c.	-	-	-	-	-	35
Blacksmiths	-	-	-	-	-	13
Hammermen	-	-	-	-	-	7
Ironmoulders	-	-	-	-	-	5
Brassfounders	-	-	-	-	-	21
Coppersmiths	-	-	-	-	-	2
Tinsmiths	-	-	-	-	-	5
Nailmaker	-	-	-	-	-	1
Boilermakers	-	-	-	-	-	2
Millwright	-	-	-	-	-	1
Total	-	-	-	-	-	93
Woodwork and Furnishing Trades—						
Coopers	-	-	-	-	-	7
French polisher	-	-	-	-	-	1
Upholsterer	-	-	-	-	-	1
Sawyer	-	-	-	-	-	1
Mattress maker	-	-	-	-	-	1
Venetian blind maker	-	-	-	-	-	1
Gilder	-	-	-	-	-	1
Coachbuilders	-	-	-	-	-	5
Brushmaker	-	-	-	-	-	1
Total	-	-	-	-	-	19
Clothing Trades—						
Tailors	-	-	-	-	-	5
Shoemakers	-	-	-	-	-	8
Boot-finishers	-	-	-	-	-	2
Boot-closer	-	-	-	-	-	1
Boot-clicker	-	-	-	-	-	1
Total	-	-	-	-	-	17
Miscellaneous—						
Bakers	-	-	-	-	-	14
Chocolate maker	-	-	-	-	-	1
Gardeners	-	-	-	-	-	14
Saddlers	-	-	-	-	-	4
Paviors	-	-	-	-	-	6
Corkcutters	-	-	-	-	-	2
Combmaker	-	-	-	-	-	1
Jewellers	-	-	-	-	-	3
Engine-keepers	-	-	-	-	-	4
Fishing-tackle maker	-	-	-	-	-	1
Twine spinner	-	-	-	-	-	1
Tobacco spinner	-	-	-	-	-	1
Butcher	-	-	-	-	-	1
Biscuit maker	-	-	-	-	-	1
Clerks	-	-	-	-	-	7
Total	-	-	-	-	-	61

Shop Assistants, &c.—

Drapers -	-	-	-	-	-	2
Clothier -	-	-	-	-	-	1
Ironmonger -	-	-	-	-	-	1
Shopman -	-	-	-	-	-	1
Storeman -	-	-	-	-	-	1
Grocer -	-	-	-	-	-	1
Total	-	-	-	-	-	7

Carters, Porters, &c.—

Warehousemen and packers -	-	-	-	-	-	6
Carters and vanmen -	-	-	-	-	-	26
Porters -	-	-	-	-	-	20
Waiters -	-	-	-	-	-	5
Cellarmen -	-	-	-	-	-	3
Bottlers -	-	-	-	-	-	8
Coachmen, stablemen, &c. -	-	-	-	-	-	8
Engine cleaners and firemen -	-	-	-	-	-	3
Rubber workers -	-	-	-	-	-	2
Maltmen -	-	-	-	-	-	2
Pensioner -	-	-	-	-	-	1
Collector of accounts -	-	-	-	-	-	1
Total	-	-	-	-	-	85
General labourers -	-	-	-	-	-	341

Total number registered - - - 749

Table showing Ages of Skilled Workmen registered.

Under 20 -	-	-	-	3	50 and under 55 -	-	-	-	37
20 and under 25 -	-	-	-	35	55 " 60 -	-	-	-	30
25 " 30 -	-	-	-	23	60 " 65 -	-	-	-	21
30 " 35 -	-	-	-	48	65 " 70 -	-	-	-	5
35 " 40 -	-	-	-	29	70 " 75 -	-	-	-	5
40 " 45 -	-	-	-	48					
45 " 50 -	-	-	-	32	Total -	-	-	-	316

Ages of Shop Assistants, Porters, Vanmen, &c.

Under 20 -	-	-	-	7	50 and under 55 -	-	-	-	7
20 and under 25 -	-	-	-	20	55 " 60 -	-	-	-	1
25 " 30 -	-	-	-	11	60 " 65 -	-	-	-	7
30 " 35 -	-	-	-	10	65 " 70 -	-	-	-	2
35 " 40 -	-	-	-	7	70 " 75 -	-	-	-	2
40 " 45 -	-	-	-	8					
45 " 50 -	-	-	-	9	Total -	-	-	-	91

Ages of General Labourers registered.

Under 20 -	-	-	-	8	50 and under 55 -	-	-	-	34
20 and under 25 -	-	-	-	37	55 " 60 -	-	-	-	27
25 " 30 -	-	-	-	54	60 " 65 -	-	-	-	30
30 " 35 -	-	-	-	38	65 " 70 -	-	-	-	8
35 " 40 -	-	-	-	39	70 " 75 -	-	-	-	6
40 " 45 -	-	-	-	33					
45 " 50 -	-	-	-	27	Total -	-	-	-	342

Table showing Length of Time Out of Work of Skilled Workmen registered.

Idle 1 week -	-	-	-	14	Idle 7 months -	-	-	-	11
" 2 weeks -	-	-	-	10	" 8 " -	-	-	-	1
" 3 " -	-	-	-	19	" 9 " -	-	-	-	5
" 4 " -	-	-	-	18	" 10 " -	-	-	-	4
" 5 " -	-	-	-	20	" 11 " -	-	-	-	3
" 6 " -	-	-	-	19	" 1 year -	-	-	-	15
" 7 " -	-	-	-	6	" 2 years -	-	-	-	6
" 8 " -	-	-	-	41	" 3 " -	-	-	-	4
" 2 months -	-	-	-	36	" 4 " -	-	-	-	2
" 3 " -	-	-	-	20	" 5 " -	-	-	-	1
" 4 " -	-	-	-	9	Time not stated -	-	-	-	12
" 5 " -	-	-	-	26	Total -	-	-	-	316

Length of Time Out of Work of Shop Assistants, Porters, Vanmen, &c. registered.

EDINBURGH.

Idle	1 week	-	-	-	3	Idle	7 months	-	-	-	1
"	2 weeks	-	-	-	2	"	8 "	-	-	-	2
"	3 "	-	-	-	1	"	9 "	-	-	-	3
"	4 "	-	-	-	5	"	10 "	-	-	-	2
"	5 "	-	-	-	7	"	11 "	-	-	-	1
"	6 "	-	-	-	4	"	1 year	-	-	-	7
"	7 "	-	-	-	2	"	2 years	-	-	-	5
"	2 months	-	-	-	4	"	3 "	-	-	-	2
"	3 "	-	-	-	11	"	5 "	-	-	-	1
"	4 "	-	-	-	10	Not stated	-	-	-	-	2
"	5 "	-	-	-	4						
"	6 "	-	-	-	12	Total	-	-	-	-	91

Length of Time Out of Work of General Labourers registered.

Idle	1 week	-	-	-	10	Idle	8 months	-	-	-	4
"	2 weeks	-	-	-	19	"	9 "	-	-	-	2
"	3 "	-	-	-	27	"	10 "	-	-	-	1
"	4 "	-	-	-	24	"	11 "	-	-	-	2
"	5 "	-	-	-	25	"	1 year	-	-	-	11
"	6 "	-	-	-	29	"	2 years	-	-	-	1
"	7 "	-	-	-	12	"	3 "	-	-	-	1
"	8 "	-	-	-	9	"	10 "	-	-	-	*1
"	2 months	-	-	-	47	Casually employed	-	-	-	-	22
"	3 "	-	-	-	40						
"	4 "	-	-	-	22	Total	-	-	-	-	342
"	5 "	-	-	-	12	*Employed as marker in bog during Summer.					
"	6 "	-	-	-	19						
"	7 "	-	-	-	2						
Number married						-	-	-	-	-	466
" single						-	-	-	-	-	283
" of children						-	-	-	-	-	1,190
" of trade unionists						-	-	-	-	-	67

Of the 316 registered as skilled workmen, 266 belong to those trades included in the statistics of skilled workmen, and a large proportion of them will therefore be included in the number of unemployed given for those trades, so that the total number of skilled workmen out of employment may be estimated at about 790.

Of the total number registered, it will be seen from the tables that, owing to their age, a considerable number are not likely to be employed except when trade is brisk; and that, judging from the length of time that they have been unemployed, a considerable number belong to the class that are usually unemployed; but there can be no doubt that many are unemployed through no fault or deficiency of their own.

11th January 1894.

J. MALLINSON.

The following figures appear to indicate that no exceptional destitution exists this winter in Edinburgh. At least, not of a kind to affect pauperism.

Number of applications for parochial relief in the Edinburgh parishes during years—

	1891.	1892.	1893.
	8,398	8,814	8,825

Parochial boards.
City Parish of Edinburgh and St. Cuthbert's Combination.

In St. Cuthbert's Parish during 1893 there is a decrease in the number of applications, and in the City Parish there is an increase, but curiously this increase occurred in the half-year to 30th September. During this period trade disputes in England caused men to wander north in search of work, and there were applications made by Englishmen for relief, a thing which has rarely occurred before in Edinburgh.

The numbers on the rolls chargeable in Edinburgh at 1st January were, in—

	1891.	1892.	1893.	1894.
	2,281	2,241	2,249	2,310

The Edinburgh Association for Improving the Condition of the Poor has been in operation for 26 years. The relief of unemployed and able-bodied is a special feature in the work of the association. In the 25th Annual Report (1892), the directors state that—

"Under the old system of carrying on the work of the association, a considerable amount was paid away every year in provision orders or other form of eleemosynary aid, for which no return in work was made by the recipient. As this kind of relief has invariably a pauperising tendency, it was ultimately resolved to give no help to the able-bodied, except in payment for some kind of labour.

"We have examined the reports of most of the societies who give work or relief to the unemployed, and who have adopted some kind of labour test as part of their organisation, and they invariably speak of it as a cause of financial loss, and retained only on account of its moral effects.

"This was our own experience in former years. As we were convinced that the labour test was the only safe way of dispensing relief to the unemployed, we persevered for the sake of the principle involved. At the same time, we were not satisfied that there should be a loss in making an ordinary article of consumption, requiring little skill to produce. The result of this year's experience has proved the correctness of our opinion—the fire-lighter factory having paid its current expenses, although we have given a higher rate than is usually obtained for similar work.

"The factory hours are from 9 a.m. to 4 p.m. The possible earnings are small for reasons given above; but in addition to his wage, the worker gets his dinner, and at the end of the week a provision order, according to the number or needs of the family. Our greatest difficulty with the factory is to get adequate sale for what is produced, and therefore a large stock of firewood has accumulated.

"The work we give the men to do is honest work, and honestly paid for, so that we neither pauperise nor degrade the workman.

"The question has been asked, why do we not employ men at their own trades? To do so we should require to pay the regular wage current in the trade, and produce goods for which the regular trader cannot find a market, or, by underpaying the workman, produce goods at a cheaper rate than the regular trader, so as to force a market for our produce, and thus create a worse evil than that which we are trying to remedy. There are also many trades which we could not possibly employ.

"In addition to these objections, experience has proved that many of the men who apply for work have lapsed from regular trades to mere casual labourers. The cause may be drink or incompetency, but it is beyond our sphere to try and get them back to the pursuit of their own skilled labour. If we can wean them from a hand-to-mouth existence into a desire for regular employment, we are doing a good work, and we believe that in some cases the factory has been educational in this respect.

"We have given employment to joiners, painters, and tailors, at their own trades: but as a means of general employment the fire-lighter factory is the only one open to us. We are doing what we can to meet the necessities of the unemployed, either by continuous or casual work.

"A large number of seamstresses are engaged in making and mending garments in the sewing room in connection with the scheme for clothing destitute children."

The following extracts are from the report for 1893:—

"The firewood factory has done excellent work during the year. Not only has it been successful from a financial point of view, but it has been the means, it is believed, of providing relief employment sufficient to embrace almost every deserving case.

"The following table shows concisely the number of days of work granted by the firewood factory:—

1890.	1891.	1892.	1893.
980	1,747	6,939	6,242

"The slight decrease in 1893, as compared with 1892, is more than fully accounted for by the very open weather during 1893. The average number of men daily employed during the year was 20·2, the largest number employed on any one day was 83. Not one mason, slater, plumber, or plasterer, applied during the year for work. The trades represented were bakers, brassfinishers, brick-layer, clerks, drapers, grocers, irondressers, ironmoulders, joiners, labourers, lithographers, painters, paper-rulers, printers, tailors, and vanmen. . . . The scheme for the utilisation of waste paper was begun in May last (1893). Since it was started, the scheme has provided daily employment for 22 women and nine men who without such employment, would probably have been subjected to privation and hardship. Over 150 tons of waste paper have been assorted and disposed of to be remade at the paper mills. Notwithstanding the initial expenditure involved in the fitting up of the premises and the difficulties incidental at the commencement of all new schemes, it has been made almost self-supporting. The sewing room has provided employment and daily food and shelter for an average of, 47·3 women during a period of 20 weeks."

CITY PARISH, EDINBURGH.

EDINBURGH.

Replies to Queries by Inspector of Poor.

1. No.

3 and 4. No ground to anticipate any increase.

5. We have all appliances to meet a large increase, and every means of coping with a much larger pauperism so far as machinery goes.

6. No.

7. Have rarely had an application from a skilled worker. If there were, outdoor relief would be given and continued until disability removed. Almost all applications come from widows with children, old men and old women, the rest being mainly Irish labourers.

8. Co-operate with Charities Registration Union in giving and receiving information.

NOTE.—Relief is sometimes given to wife or child of an able-bodied man, who requires hospital treatment. The wife or child is removed to poorhouse hospital. The husband is registered as the pauper and the wife or child as a dependant. If the husband is able to repay, he is asked to do so. In some cases the husband has fulfilled this obligation. In the cases referred to, application may probably have been made to the infirmary, and the cases refused as unsuitable.

RETURN of Applications made for Relief to the Parish of Edinburgh.

	1891.	1892.	1893.
For the quarter to 31st March - - - -	1,079	1,096	1,147
" " 30th June - - - -	989	1,123	1,151
" " 30th September - - - -	1,001	1,081	1,184
" " 31st December - - - -	1,146	1,166	1,165
For the year - - - -	4,215	4,466	4,647

RETURN of Sane Poor as at 1st January 1891, 1892, 1893, 1894.

	1891.	1892.	1893.	1894.
No. sane poor on outdoor roll - - - -	288	294	321	331
" " in poorhouse - - - -	449	421	436	444
" " of other parishes in Edinburgh - -	50	41	60	57
Total - - - -	787	756	817	832

The above figures are exclusive of dependants.

Edinburgh, 22nd January 1894.

G. GREIG,
Inspector.

ST. CUTHBERT'S COMBINATION.

Replies to Queries by Inspector of Poor.

1. No.

2. As usual.

3. There is nothing in present aspect of affairs, so far as this parish is concerned, to call for any special action on part of parochial authorities.

4. Not so far as I am aware.

5. No difficulty. Supposing there was a large increase in number of applications there is plenty of room in poorhouse, test sheds and appliances for stonebreaking and firewood making.

6. No.

7. Applications principally from labouring class. Never any applications from skilled tradesmen, unless destitution has been brought about by sickness of himself or a member of his family or his own dissolute habits.

8. We reciprocate information to prevent overlapping, and recommend applicants to Society for Improving Condition of Poor with a view of providing them with work or assistance.

NOTE.—Cases of hardship during sickness sometimes occur in which it is absolutely necessary to grant relief to able-bodied or their dependants.

EDINBURGH.

APPLICATIONS for Relief for the last Three Years.

	1891.	1892.	1893.
From 1st January to 31st March - - - -	1,087	1,066	1,051
" 1st April to 30th June - - - -	987	1,024	1,024
" 1st July to 30th September - - - -	1,031	1,037	994
" 1st October to 31st December - - - -	1,078	1,221	1,109
Totals - - - -	4,183	4,348	4,178

NUMBER of Sane Poor on Roll at 1st January.

	Cases.	Dependants.	Total
1891.			
In parish - - - -	821	1,031	1,852
In poorhouse - - - -	481	26	507
Other parish poor in St. Cuthbert's - - - -	192	237	429
Totals - - - -	1,494	1,294	2,788
1892.			
In parish - - - -	818	1,136	1,954
In poorhouse - - - -	469	37	506
Other parish poor in St. Cuthbert's - - - -	198	204	402
Totals - - - -	1,485	1,377	2,862
1893.			
In parish - - - -	828	1,122	1,950
In poorhouse - - - -	455	38	493
Other parish poor in St. Cuthbert's - - - -	149	164	313
Totals - - - -	1,432	1,324	2,756
1894.			
In parish - - - -	832	1,150	1,982
In poorhouse - - - -	475	44	519
Other parish poor in St. Cuthbert's - - - -	171	162	333
Totals - - - -	1,478	1,353	2,831

6th January 1894.

AND. FERRIER, Inspector of Poor.

EDINBURGH ASSOCIATION FOR IMPROVING CONDITION OF POOR.

Secretary and Manager.

1. No.
- 3 and 4. Depends on weather.
5. Yes. We could cope with as many again.
6. No.
7. Applications come chiefly from labouring classes; but severe weather would bring in skilled workers. Preference is given to a man of respectable history, and to a married man, and to a man with family.

LEITH.

LEITH (£7,700).

The Labour Correspondent of the Board of Trade for Edinburgh and District refers to the chief industries of Leith in his reports for October, November, and December as follows:—

October (November report). In the shipbuilding trades the boilermakers return 23·8 per cent. idle, and the shipwrights 45·9 per cent. The shipping trade is still brisk, and dock labourers are fairly well employed. The excavation of the new docks at Leith has been begun, about 150 men being employed.

November (December report). The iron and engineering trades continue bad. In the shipbuilding trades the boiler makers return 32·9 per cent. out of work, and in one yard they have agreed to work 46½ hours instead of 54 hours during the winter. The shipwrights report all their members as employed at the end of the month, owing to the repairs rendered necessary by the recent storm. Shipping is reported as good, and dock-labourers are, in most cases, well employed.

December (January report). The pattern-makers, engineers, blacksmiths, and coppersmiths report trade as still bad, though there is a slight improvement in the Leith branches. The shipbuilders have been fairly well employed on repairing work; the boilermakers have no idle men, but the shipwrights return 12·5 per cent. unemployed.

It must be borne in mind that these reports come after a time of prolonged depression, especially in the shipbuilding industries, and that the winter of 1892–93 was one of the worst experienced in Leith for 13 years, and that many men have gone to other towns to procure work.

There has been an increase in the applications for parochial relief, but none coming directly from unemployed—some arise indirectly by husband or father going in search of work elsewhere.

The number of applications for the last three years is—

	1891.	1892.	1893.
	882	973	1,137

showing an increase of nearly 29 per cent. in 2 years; but the numbers on the rolls chargeable in Leith at 1st January were normal—

	1891.	1892.	1893.	1894.
	670	624	636	688

The town council have made a contribution to the funds of the Society for Improving the Condition of the Poor. Municipal.

The Leith Association for Improving the Condition of the Poor has been in existence for 21 years. Charitable. Its object is “to assist the struggling and deserving poor by sympathy, counsel, and substantial aid, with a view of promoting a spirit of independence and ultimate self-support.” During the year ending November 1893, temporary employment was found for 230 persons. “This number is a small proportion indeed of the unemployed, but in its extent and quality the record is satisfactory in every way.” Aid in food, &c. was given to 1,235 persons. This number is greatly in excess of any former year. In the previous year the number was 952. With reference to this branch of the work the committee say they “are satisfied that this department of the work done by them prevents actual starvation in households during times of pressure, but they do not think that this work does what they hoped—raise or stimulate—it merely tides over the time of pressure. Nor do they consider themselves capable of meeting the difficulty by giving, finding, or making work. Therefore this distribution of food, under the pressing need of bad times, must continue, as the best to be done under the circumstances, to meet want, the result sometimes of misfortune, oftener of waste, of evil habits, or improvidence.”

The applications in 1893 were disposed of as follows:—

Food was granted to	-	-	-	-	1,235
Coal was supplied to	-	-	-	-	48
Boots and stockings (253 pairs) were granted to	-	-	-	-	155 families
Clothing (160 articles) was given to	-	-	-	-	51
Work was found for	-	-	-	-	230
Artificial appliances were given to	-	-	-	-	11
Fares paid to various parts for	-	-	-	-	8
Got help from various funds	-	-	-	-	6
Assisted into various institutions	-	-	-	-	19
Sent to convalescent home and board paid for	-	-	-	-	24
					1,787
Wanting advice	-	-	-	-	17
Parochial board cases	-	-	-	-	21
Not considered urgent, or refused the work offered	-	-	-	-	71
Not found at address given	-	-	-	-	26
Wanting work only	-	-	-	-	38
Out of boundaries	-	-	-	-	9
Inquired into for other societies and funds	-	-	-	-	45
Refused, given to drink, &c.	-	-	-	-	221
					448
					2,235

SOUTH LEITH PARISH.

Replies to Queries by Inspector of Poor.

1. There is an increase, but not arising directly from the unemployed. A few cases indirectly from husband or father going in search of work.
2. Usual way.
- 3 and 4. If severe weather comes on it may compel more to apply.
5. Has no fear that matters are so bad they cannot be dealt with by united action between parochial board, town council, and private benevolent societies.
6. No.
7. Has had two or three applications from loafers.
8. Yes.
9. Statistics :—

(a.) Number of applications in years 1891, 1892, 1893, for quarters January 1st to March 31st, April 1st to June 30th, July 1st to September 30th, October 1st to December 31st.

	1891.	1892.	1893.
January 1st to March 31st	155	198	209
April 1st to June 30th	148	189	203
July 1st to September 30th	181	182	233
October 1st to December 31st	198	178	235
	682	747	880

(b.) Number of sane poor chargeable to parish at 1st January 1891, 1892, 1893, and 1894.

	1891.	1892.	1893.	1894.
Number on outdoor roll	226	213	205	244
Number in poorhouse	179	177	179	192
Number of other parish poor chargeable in parish outdoor.	59	44	61	64
	464	434	445	500

NORTH LEITH PARISH.

Replies to Queries by Inspector of Poor.

1. There is a gradual rise in the number of applications, but it is not to any extent on account of able-bodied unemployed applying.
2. Usual way.
3. There is no doubt that things are not looking well—not many orders in shipbuilding yards and not much prospect. Trade is dull all round.
4. Unless trade improves things will get worse.
5. Plenty of accommodation in poorhouse.
6. No.
7. Never have any applications from skilled artisans unless broken down by drink and dissipation; nor from able-bodied of respectable labouring class.
8. Yes, with Charity Organisation Society in sending applicants with whom I cannot deal.
9. (a.) Number of applications in years 1891, 1892 and 1893 :—

Statistics.

From 1st January 1891 to 31st March 1891	-	-	-	37	
„ 1st April 1891 to 30th June 1891	-	-	-	64	
„ 1st July 1891 to 30th September 1891	-	-	-	46	
„ 1st October 1891 to 31st December 1891	-	-	-	53	
					200
From 1st January 1892 to 31st March 1892	-	-	-	48	
„ 1st April 1892 to 30th June 1892	-	-	-	41	
„ 1st July 1892 to 30th September 1892	-	-	-	57	
„ 1st October 1892 to 31st December 1892	-	-	-	80	
					226
From 1st January 1893 to 31st March 1893	-	-	-	76	
„ 1st April 1893 to 30th June 1893	-	-	-	50	
„ 1st July 1893 to 30th September 1893	-	-	-	50	
„ 1st October 1893 to 31st December 1893	-	-	-	61	
					257

(b.) Number of sane poor chargeable to parish at 1st January—

1891. On outdoor roll	-	-	-	-	129	Dependants	215
In poorhouse	-	-	-	-	47	"	2
Other parish poor in parish	-	-	-	-	30	"	29
					206		
1892. On outdoor roll	-	-	-	-	116	"	170
In poorhouse	-	-	-	-	48	"	3
Other parish poor in parish	-	-	-	-	26	"	23
					190		
1893. On outdoor roll	-	-	-	-	122	"	187
In poorhouse	-	-	-	-	46	"	2
Other parish poor in parish	-	-	-	-	23	"	20
					191		
1894. On outdoor roll	-	-	-	-	109	"	164
In poorhouse	-	-	-	-	49	"	
Other parish poor in parish	-	-	-	-	30	"	18
					188		

LEITH SOCIETY FOR IMPROVING CONDITION OF POOR.

Secretary.

There is no increase in the number of applications. The numbers in December 1893 were 407 against 418 in December 1892, but the winter of 1892-3 was one of the heaviest since 1879. While the applications are about the same in number as last year, the expenditure is less, which shows that distress is not of such an acute character. The numbers dealt with for the last four years are—

1890.	1891.	1892.	1893.
1,470	1,514	1,397	2,027

but it must be explained that the large increase in 1893 occurs in the first months of the year. Stormy weather would intensify suffering among poor.

LEITH.

Town Clerk.—Superintendent of Police.

Have very great doubts if there are more unemployed in Leith this year than last year. Prospects for the labouring class are fairly good. New docks already contracted for and work fully commenced.

DUNDEE.

The following reports by the Labour Correspondent of the Board of Trade in Dundee (Mr. R. D. B. Ritchie) may be taken as authoritative of the state of the staple industries:—

DUNDEE.
(154,118).*Jute and Linen Trades.*

November 1893.

Slackness still prevails in these trades, and all the largest works continue to run short time, the hours varying from 40 to 50 per week, while in addition a large amount of machinery is standing idle. A considerable per-centage of the operatives are unemployed, but it is impossible to give absolute statistics owing to the absence of organisation amongst the workers.

December 1893.

The depression in these industries still exists, and further recourse to short time in some of the larger works has been rendered necessary, in one case the hours being reduced to 39 per week. A large amount of machinery has also been put out of operation.

January 1894.

Although no pronounced improvement in these industries has yet taken place, the prospects are much brighter. Several firms have increased the working hours, bringing them nearer the maximum. . . . The Lochee Works in most cases are now working full time. Everything points to an improvement in the textile industries of this district.

Shipbuilding and Engineering Trades.

November 1893.

It is reported that at least 50 per cent. of the shipwrights and ship carpenters are unemployed, with little or no prospect of improvement. Engineers, moulders, blacksmiths, and iron ship builders have all a large number of unemployed, averaging from 10 to 15 per cent.

December 1893.

No improvement has taken place in the state of these trades, large numbers of men belonging to all branches being still out of employment.

January 1894.

These various trades show no marked improvement, the large per-centage of unemployed remaining about the same.

These reports show that during the present winter the staple industries of Dundee have been seriously depressed. It is considered that matters have now reached their worst stage. There is an improvement (Jan. 1894), as yet, however, very slight, in the jute trade, and it is said that prospects are brighter in the engine ring and shipbuilding yards. Until these prospects are realised many persons in Dundee must, directly and indirectly, be in straitened circumstances. In contrast to the above dismal view of matters, it is gratifying to learn that there was deposited in the Dundee Savings Bank in the year ending 20th November 1893, 356,897*l.*, and that at the end of the year there stood at credit of depositors, 1,233,969*l.*, being an increase of 63,361*l.* over the previous year.

The municipal authorities are co-operating with the Charity Organisation Society in endeavouring to provide work for the unemployed. The names of 900 persons have been entered at the office of the Charity Organisation Society. The Police Commissioners offer work for a certain number in stone breaking and levelling for new streets and roads, and pay 3*d.* per hour for navy work, and 1*s.* 6*d.* per cubic yard for stonebreaking. About 300 tickets have been issued to deserving men from the burgh engineer's office, and about 140 have accepted employment at this work.

On the 6th January the chief constable issued instructions to constables to report at once to headquarters any cases of destitution coming under their notice. Up to the date of my visit (23rd) only six cases had been reported. The chief constable has furnished me with details of these cases, and I find that they were very clamant cases of destitution, which were fortunately at once relieved by charitable agencies.

As mentioned previously, this society co-operates with the Police Commission in making inquiries as to unemployed persons wishing work. During December 1892 and January, February, and March 1893, 511 men enrolled their names as out of employment, but willing to work at labour provided by the Police Commissioners.

The following is the result of the society's investigations:—

<i>Refused.</i>					
Not found at address given	-	-	-	-	29
Lazy and drunken	-	-	-	-	36
Family income sufficient	-	-	-	-	116
					— 181
<i>Granted</i>					
No income	-	-	-	-	169
Insufficient income	-	-	-	-	161
					— 330
					511

In all 386 work cards were issued, and of these there were who—

Never started work	-	-	-	-	120
Worked from 1 to 14 days	-	-	-	-	93
Worked for a longer period	-	-	-	-	173
					386
At work on 31st March 1893, when work stopped	-	-	-	-	83

The list of unemployed received up to 15th December 1893 included 775 names, and of these—

Were being visited	-	-	-	-	45
Not found at address given	-	-	-	-	105
Lazy and drunken	-	-	-	-	129
Family income sufficient	-	-	-	-	137
Deserving, with small income	-	-	-	-	163
Deserving, no income	-	-	-	-	196
					775

Offered work—

At navvying - - - - -	106
At stonebreaking - - - - -	134
	— 240

Of these—

Were at work - - - - -	118
Refused to work - - - - -	122
	— 240

The number of applications in the four quarters of 1893 were—

1st quarter to 31st March - - - - -	228
2nd „ 30th June - - - - -	114
3rd „ 30th September - - - - -	135
4th „ 31st December - - - - -	1,326*

The numbers enrolled from the 1st to the 23rd January were ordinary 259, unemployed 139. Total 398, against 77 in the same period of 1893.

The strain on the resources of the parochial board has been very great. During the year 1893 the applications for relief (4,186) exceeded those in 1891 (3,529) by 657, or 18 per cent., and those for the quarter ended 31st December 1893 (1214) exceeded those in the corresponding quarter of 1891 (966) by 248, or more than 25 per cent.; and the number of paupers chargeable in Dundee at 1st January 1894 (1959) exceeded the number at the same date in 1891 (1,572) by 387, or nearly 25 per cent. During the same three years the numbers in the two poorhouses in Dundee had increased from 702 to 944, or by upwards of 34 per cent. The following analysis of the applications in the last quarter of 1893 is of interest:—

Parochial
Board, Dundee
Combination.

First applications - - - - -	396
Of which 22 were certified ablebodied and refused.	
Re-applications - - - - -	818
Of which 17 were certified ablebodied and refused.	
	1,214

Few, if any, of the ablebodied were skilled workers, and only one or two were respectable labourers. Labourers are employed at the docks and shipbuilding yards and earn good wages, but many are of unsteady habits, and a week or two of idleness lands them in great destitution.

The parochial officials co-operate with the burgh officials and the Charity Organisation Society in exchanging information.

DUNDEE COMBINATION.

Replies to Queries by the Inspector of Poor.

1. The applications for relief during the quarter ended 31st December last exceeded the applications during the same quarter of 1892 by upwards of 200.

2. Disposed of by committee in ordinary way. There has been a slight increase on the temporary roll (outdoor), but the greatest increase is on the number of the indoor poor.

3. It is considered that matters have now reached their worst stage. There is an improvement (as yet however but very slight) in the jute trade, and notice has been given in one of the largest works of the extension of the working hours. It is also thought that very soon an improvement will take place in the engineering and shipbuilding yards.

4. It is not now anticipated that there will be any great increase on the number of applications for relief. There will possibly be a slight increase should the weather in February and March be unfavourable to outdoor work.

5 and 6. No difficulty, it is thought, will be met with in disposing of the applicants, nor are any exceptional arrangements deemed necessary.

7. During the quarter ended 31st December 1893 the number of applications for relief was 1,214, and of that number 396 were first applications; 22 of these applicants were certified by two medical officers as ablebodied, and were refused relief; 818 were re-applications, and of these 17 were certified as ablebodied. Of the ablebodied but few, if any, are skilled workers, and but one or two respectable labourers.

The labourers are as a rule employed about the shore and in shipbuilding yards, and on an average receive a better wage than the ordinary general labourer, but many of them are of unsteady habits, and a week or two's idleness lands them in great destitution.

In the appendix hereto a statement will be found regarding the ablebodied refused relief during the quarter ending 31st December 1893.

8. As far as possible, and without interfering with the proper administration of the poor law, the parochial officials and the burgh officials co-operate in the relief of destitution, but beyond giving

* 836 Males, and 490 females.

particulars regarding persons who may have applied to the parochial board as well as to the Charity Organization, &c. Societies, the parochial board as such and its officials meantime take no part in the administration of the local charities. Eight years ago or thereby, during a period of great destitution, the outdoor officers of the board gave a considerable amount of assistance to "a special committee formed for the relief of the destitute able-bodied" in the investigation of cases, and I have no doubt this assistance would be repeated in the future were the necessity to arise.

9. Statistics:—

(a.) Number of applications during quarter—

—	1891.	1892.	1893.
From 1st January to 31st March -	857	1,022	1,015
„ 1st April to 30th June -	917	1,044	947
„ 1st July to 30th September -	789	929	1,010
„ 1st October to 31st December -	966	991	1,214
	3,529	3,986	4,186

(b.) Number of poor persons chargeable to the parish at 1st January—

	1891.		1892.		1893.		1894.	
	Paupers.	Dependants.	Paupers.	Dependants.	Paupers.	Dependants.	Paupers.	Dependants.
Outdoor poor -	864	764	849	760	953	712	1,000	795
In poorhouses -	610	92	623	83	653	102	831	113
Poor of other parishes -	98	112	134	40	106	122	128	167
	1,572	968	1,606	883	1,712	936	1,959	1,075

Statement regarding Assessment.

10. Poor rate notices are delivered during October and November. Assessment payable within 14 days after delivery of notice.

11. Poor rates paid to 18th January—

1890-91.	1891-92.	1892-93.	1893-94.
£ 20,215	£ 22,293	£ 20,684	£ 20,820

12. Relieved on appeal by committee—

1890-91.	1891-92.	1892-93.	1893-94.
£ 2,202	£ 1,752	£ 1,745	Appeals not yet considered, but will not be less than in previous years.

13. Owners rate per £—

1890-91.	1891-92.	1892-93.	1893-94.
5d.	5 $\frac{1}{2}$ d.	5 $\frac{1}{2}$ d.	5 $\frac{1}{2}$ d.

Besides numerous applications from labourers, mill workers, and hawkers during the last quarter (31 December 1893) there have applied—

DUNDEE.

Baker - - - - -	1	Joiner - - - - -	1
Bottler - - - - -	1	Mason - - - - -	1
Brushmaker - - - - -	1	Painters - - - - -	2
Boatbuilder - - - - -	1	Quarriers - - - - -	2
Blacksmith - - - - -	1	Seamen - - - - -	3
Calender workers - - - - -	3	Ship-plater - - - - -	1
Carters - - - - -	5	Ship carpenters - - - - -	2
Causeway layer - - - - -	1	Stoker - - - - -	1
Cooper - - - - -	1	Ship's cook - - - - -	1
Corkcutter - - - - -	1	Shoemaker - - - - -	1
Draper - - - - -	1	Storekeeper - - - - -	1
Engineer - - - - -	1	Tailor - - - - -	1
Flax dresser - - - - -	1	Wood turner - - - - -	1
Iron dresser - - - - -	1	Yarn dyer - - - - -	1
Iron driller - - - - -	1		
			40

JAMES KYD,
Inspector of Poor,
Dundee Combination.

23rd January 1894.

PARTICULARS of Cases refused Relief during the Period from 1st October to 31st December 1893, in respect that Applicants were able-bodied.

20,432. A carpenter, 66 years, has not been able to do much work for eight years. Wife's earnings 7s. per week, large family, grown, who give occasional help.

20,441. Widow, 47 years, millworker, idle four weeks, daughter 23, who resides with her, idle six weeks.

20,471. Flax dresser, 30, living separate from his wife.

20,499. Widower, 47, carter, with two dependants.

20,513. A married woman of 49 years of age, residing in lodgings, left her husband in Aberdeen, who is willing to take her back if she would behave herself.

20,525. A homeless tramp, 45 years of age, and a labourer.

20,573. A labourer, 28 years of age, idle, wife and three children, applies for medical relief, married in 1891, and has resided since in various towns.

20,593. A labourer, 60 years of age, married, no family, paid off from a foundry (three months prior to application), where he had been employed for upwards of 20 years.

20,605. A calender worker, 46 years of age, idle three months, married, no family, wife disabled from bronchitis, wants her removed to poorhouse.

20,620. A handloom weaver, 51 years, earning 4s. or 5s. per week, married, four children residing in family, one millworker earning 10s. per week, wife millworker, also earns 10s. per week, applies for medical relief for youngest child.

20,641. An iron dresser, 24 years of age, idle, applies for medical relief for his wife (19), who is near confinement.

20,645. A quarrier, 49 years of age, single, idle six months.

20,653. A labourer, 19 years of age, idle 10 weeks, applies for medical relief for his wife, who is near her confinement.

20,664. A yarn dyer, 45, idle 14 days, married in 1890, applies for outdoor relief for four children, who have whooping cough. Two of the children born before marriage.

20,671. A labourer, 50, idle five months, married, six children, one millworker, 7s. 3d., one a son (18) idle nine weeks, wife works in mill, 7s. 5d.

20,684. A labourer, 32, idle five weeks, married, two children, wife about to be confined.

20,687. A labourer, 45, earnings 13s. 9d., married, six children, wife and children frequently chargeable when he was in desertion and prison. Of dissolute habits.

20,690. A labourer, married, two children, idle four months, wife millworker, 8s. 3d. In Dundee four months, prior in Glasgow, where his wife and himself had both been chargeable to the parochial boards.

Dundee.

20,731. A homeless woman, single, 51 years of age, who had been chargeable previously as a pauper to another parish.

20,748. A widow, 38 years of age, no family, homeless.

20,753. A labourer, 29, idle nine weeks, wife and four children, very unsettled for seven years.

20,797. A widow, 62, resides with a daughter who cohabits with a flax dresser, by whom she has five of a family. This applicant has done nothing since she came to Dundee a year ago.

PERSONS who have made previous Application.

20,273. A dissolute woman, 40 years of age, two illegitimate children, have been brought up by the board. Her twentieth application.

20,049. A millworker, 28 years of age, married, six children, second application, wife and children have also previously been chargeable.

18,493. A homeless man, 21, labourer, fourth application.

18,638. A dissolute homeless woman, married, husband and children in America, her twenty-fourth application.

18,178. A shore labourer, 60 years of age, idle, second application. Wife and one grown up son.

16,731. A widow, 52, millworker, idle, has four children grown up and left. Both her parents have been chargeable.

15,954. A labourer, 34, married, four children, idle, wife also idle, fourth application, has been in prison for theft. His wife and mother have been previously chargeable.

15,139. A labourer, 33, married, six children, second application. All the children were recently in poorhouse owing to desertion of parents. Wife has frequently been chargeable.

14,847. A millworker, 20, idle, and homeless, tenth application.

13,703. A married woman, 30 years of age, living separate from her husband, both dissolute. Her sixth application.

13,170. A millworker, 17, idle, fourth application. Reared by parochial board.

11,230. A labourer, 45, idle nine weeks, two children, wife in mill, 9s.

10,358. A millworker, 20, homeless and idle.

8,533. A drunken worthless woman. Husband and family also dissipated.

8,442. A labourer, 32, millworker, earning 7s. 6d. per week.

1,795. A widow, 55, family all grown up and away from her. Of doubtful habits.

850. A dissolute woman, 45 years, her eighth application.

JAMES KYD,

Inspector of Poor,

Dundee Combination.

23rd January 1894.

EAST POORHOUSE, DUNDEE.

ADMISSIONS during each of the Five Years as under, and Number of Inmates in House at End of each Year.

Year ending	Admitted.					In House at End of Year.				
	Men.	Women.	Boys.	Girls.	Total.	Men.	Women.	Boys.	Girls.	Total.
31st December 1889 -	706	812	393	339	2,250	171	265	67	63	566
31st December 1890 -	653	858	410	392	2,313	178	257	76	66	577
31st December 1891 -	739	941	464	449	2,593	204	253	90	74	621
31st December 1892 -	839	1,141	549	613	3,142	193	281	78	81	633
31st December 1893 -	1,093	1,203	445	339	3,280	261	347	79	91	778

D. B. BUGLASS,

January 1894.

Governor.

WEST POORHOUSE, DUNDEE.

DUNDEE.

HIGHEST and LOWEST NUMBERS, Ordinary Inmates.

	Number. 1891.	Number. 1892.	Number. 1893.	Number. 1894.	
January	159	163	172	210	Highest.
	149	148	163	176	Lowest.
February	155	157	183	—	Highest.
	141	144	158	—	Lowest.
March	154	160	182	—	Highest.
	143	152	141	—	Lowest.
April	145	163	146	—	Highest.
	130	156	135	—	Lowest.
May	140	161	147	—	Highest.
	124	153	137	—	Lowest.
June	136	161	153	—	Highest.
	126	147	135	—	Lowest.
July	142	171	169	—	Highest.
	131	153	152	—	Lowest.
August	136	159	169	—	Highest.
	131	151	153	—	Lowest.
September	137	154	178	—	Highest.
	131	143	160	—	Lowest.
October	141	156	182	—	Highest.
	132	146	173	—	Lowest.
November	149	153	188	—	Highest.
	139	140	176	—	Lowest.
December	148	176	217	—	Highest.
	141	149	188	—	Lowest.
January 22nd	—	156	160	176	

INSTRUCTIONS TO THE DUNDEE CITY POLICE.

Prevention of Cruelty to and Protection of Children Act, 1889.

Since the above Act came into operation the members of the force have been in the habit of reporting on cases coming under their notice of children seen on the streets, especially in inclement weather, barefooted or ill-clad, and steps have been taken to deal with the parents or guardians when it was found that they had rendered themselves liable to prosecution under the above Act, but when it was discovered that no offence was committed, and in cases of genuine poverty, where criminal neglect could not be established, steps have been taken by the officer on duty at this office to get the children's wants attended to either by the inspector of poor, the agent for the Charity Organisation Society, or the agent in Dundee for the society established for the enforcement of the above Act.

In the present state of inclement weather, and when employment is scarce for many of the labouring and industrial classes, the chief constable is most anxious that every officer and constable in the force should be specially vigilant in investigating and immediately reporting on all such cases to the officer on duty, so that as little suffering as possible may be endured by such children.

The chief constable also desires officers and constables to report all such cases of destitution, whether of adults or children, coming under their notice or reported to them, so that the officer on duty will be in a position also to bring such cases to the knowledge of the proper official, with a view to getting relief administered.

No time should be lost in making such reports, and in clamant cases the telephone should be used in the first instance, the written report following as soon as circumstances will admit.

It will be understood that officers and constables doing duty in the districts will report at their respective district stations, and that the officers on duty at these stations will lose no time in communicating with the lieutenant or officer on duty at head-quarters. The lieutenant or officer on duty at head-quarters will take immediate and effective steps in all such cases, and will preserve a note of the reports made to him, and of his action in regard to them.

(Signed) D. DEWAR,
Chief Constable.

Chief Constable's Office, Dundee,
6th January 1894.

CASES OF DESTITUTION WHICH CAME UNDER NOTICE OF POLICE.

1. *H. R.*, boy (8), found on street, barefooted, on 11th January 1894.

Father, labourer, Horsewater Wynd, had been out of employment for some time, and had left home a week previous to look for work, and not returned.

Mother works in mill and earns 3s. per week.

Other five of a family, aged 18, 14, 12, 9, and 4 years of age respectively, only one of whom is working, and earns 4s. per week. Total income, 9s.

Mr. Campbell, agent for the Society for Prevention of Cruelty to Children, supplied family with clothing.

2. *L. K.*, girl (21), millworker, from Forfar. Sent here by Mr. Campbell, boys' home, as destitute. Handed over to Mr. Rankin Curr, night refuge, who gave her shelter for the night. She left of her own accord on following morning.

3. *H. S.*, boy (7), found on street, barefooted and poorly clad, on 13th January 1894.

Mother presently in prison.

Boy lives with grandmother in Sunningburn, who has two of a family, aged 22 and 16 years respectively, all at present out of employment, no income.

The immediate wants of this family were attended to by Mr. Campbell, boys' home, who is to take steps to have boy sent to an institution.

4. *J. McD.*, man (32), millworker, 32, Blackcroft.

Reported to police by a neighbour as being in very poor circumstances, on 15th January. Had been out of work since 22nd December.

Wife confined to bed in bad health for three weeks previous. One child, aged three years.

Child supplied with clothing by Mr. Campbell, boys' home, and as McD. secured employment he did not seek further help.

5. *A. C.*, girl (9), found barefooted on street on 16th January.

Father, a labourer, residing in Overgate, only worked eight weeks since August last, but was working when called on.

Mother not working.

Other two children, aged 7½ and five years respectively.

Children supplied with boots, &c. by Mr. Campbell, boys' home. Mr. Dunlop, agent of the Charity Organisation Society, supplied food on following day.

6. *J. B.*, man (40), watchmaker, Liff Road, Lochee. Paralysed on right side, unable to work regularly.

Wife (42), in delicate health, unable to work.

Family of four aged 14, 11, 9, and 4 respectively. Eldest employed as a farm servant, earns 14l. a year.

Paid last quarter's rent.

Police gave them 1s. 6d. to relieve immediate wants.

On applying at parochial office, applicant was told to make formal application, but got no relief.

On calling at Mr. Campbell, boys' home, applicant was asked to call back again, and bring children with him.

DUNDEE CHARITY ORGANISATION SOCIETY.

Replies.

1. Yes.
2. Every case is inquired into, and, if found suitable, is assisted by work, or food, or both.
3. Present aspect of affairs dark, but not hopelessly so.
4. Yes.
5. No.
6. No. Arrangements have already been made to meet present and future need.
7. As follows:—
 - a. *Respectable skilled workers*, one-eighth.
 - b. *Respectable labourers*, five-eighths.
 - c. *Dissolute*, one-fourth.
8. Burgh officials co-operate.
9. Statistics:—

Number of applications, as follows:—

Quarter.	1891.	1892.	1893.
1st January to 31st March	137	224	228
1st April to 30th June	97	555	114
1st July to 30th September	93	148	135
1st October to 31st December	163	213	1,326
Totals	490	1,140	1,803

N.B.—In the last quarter for 1893, the figure (1,326) includes 836 males and 490 females.

ABERDEEN.

ABERDEEN
(121,623)

The following is the report of the Labour Correspondent of the Board of Trade (Mr. W. Johnston) for the month of December. The reports of the two preceding months were in a similar strain :—

Shipbuilding and Engineering Trades.—There is a slight improvement since last month, and a few more hands are finding employment, but the returns show that there are still about 29 per cent. of the shipwrights unemployed. The iron shipbuilders and boilermakers are better employed, as a good deal of repairing work is being done. The iron moulders are also better employed, and have now only 20 per cent. idle. The engineers and blacksmiths are still dull, and a number of the tinplate workers have not found employment since the close of the herring fishing in August.

Building Trades.—House building is busy, and masons, plasterers, and slaters are fully employed.

Quarrying.—The monumental masons are still very dull; the idle roll has been increased considerably by the return of a number of men from America.

Textile Trades.—The woollen trade is fairly good, the cotton trade is good, and the linen trade is fair. None of the firms carrying on these trades have resorted to short time this year, and on the whole trade has been good throughout. The jute trade is still dull.

Fishing.—The catch of fish landed for the past month has been less than for some months back, but good prices were obtained.

Miscellaneous.—Comb-making is dull. Coachbuilding is fair. The boot and shoe trade is fully up to the average, and prospects are good. The tailors are very dull. Papermaking is fairly good. The letterpress printers are fairly well employed. General labourers are far in excess of the demand.

There are many men in Aberdeen able and willing to work, but who cannot find employment.

The depression in trade has not affected materially the applications for parochial relief and the numbers on the roll. No application has been made by an able-bodied man. The number of applications in the City and Old Machar parishes in the last three years has been :—

Parochial
Boards.
City Parish
of Aberdeen
and Old
Machar.

	1891.	1892.	1893.
	1,013	1,053	1,106

And the numbers on the roll chargeable in Aberdeen at 1st January were in—

	1891.	1892.	1893.	1894.
	1,523	1,476	1,530	1,563

During the present and previous winter the town has been in a position to offer work to able-bodied unemployed. Last year excavations were made for a large gasholder, and this year the unemployed are offered work at the extension of a water reservoir and the cutting of a pipe track. Preference is given to able-bodied men who are ratepayers, or have been resident in the town for six months. About 70 men are working at the reservoir and 30 at the pipe track. The men are paid from 3d. to 4½d. an hour. These works can scarcely be regarded as strictly speaking "relief works," as they were necessary, and the work will probably prove remunerative. The following minute shows the action taken by the town council with reference to the unemployed :—

Municipal.

Aberdeen, 27th December 1893.

The special committee beg to report that they have proceeded upon the remit which was made to them by the town council at their last meeting. With the view of obtaining information as to the class and number of those at present out of employment in the city, and also as to the existence of distress, the committee, at a meeting held on the 22nd December, resolved that a register of persons out of employment should be opened at No. 47, Belmont Street, under the charge of Mr. James Webster. This was accordingly done, and at the meeting held this day (27th December), the committee had before them the information obtained, from which it appeared that the total number of men who

ABERDEEN. had registered themselves as out of employment was 181. Of these there had been out of employment for—

Under 1 month -	-	-	-	-	-	-	20
1 month -	-	-	-	-	-	-	30
Over 1 month and not exceeding 2 months	-	-	-	-	-	-	42
" 2	"	"	5	"	-	-	58
" 3	"	"	4	"	-	-	17
" 4	"	"	5	"	-	-	7
" 5	"	"	6	"	-	-	8
" 6	"	"	7	"	-	-	2
" 7	"	"	8	"	-	-	2
" 8	"	"	12	"	-	-	8
" 12 months -	-	-	-	-	-	-	1
							175

While those who had received occasional employment were - 6

181

So far as the enrolments have been received, they do not, in the opinion of the committee, disclose any abnormal state of matters. With the view, however, of alleviating any cases of distress which may be found to exist, the committee suggested that the balance of the fund raised last winter, and which amounts to 62*l.* 19*s.* 9*d.*, should be applied for this purpose and administered by a joint committee, to consist of five members appointed by the town council, five by the trades council, and five by the Association for Improving the Condition of the Poor.

This recommendation was adopted, and the joint committee have been holding regular meetings to consider applications for relief from this fund. At the first meeting there were about 80 applicants, and at the next meeting over 100. The applicants were mostly labourers, but there were some tradesmen. Inquiry was made in each case, and it is intended that as far as possible the class of persons relieved should not be of the class assisted by the Charity Organisation Society. Relief is given in provisions, the amounts varying from 2*s.* 6*d.* to 5*s.* 6*d.*, according to the number of the family. When funds are exhausted a further appeal will be made.

Charity
Organisation
Society.

The "Aberdeen Association for Improving the Condition of the Poor" has been in existence for 24 years. The visitors, by whom inquiries are conducted, are instructed that "in general, the proper objects of relief are the sober and industrious, who, by accident, sickness, family distress, or other unavoidable and unforeseen cause, are in danger of being plunged into pauperism. As a rule, persons in receipt of parochial allowances are not objects of relief by the association; neither are the hopelessly helpless."

Although it is considered that as many are out of work now as there were last year, there have not been so many applications on the ground of want of work. Of the able-bodied who have applied this season—

Respectable skilled workers were	-	-	-	-	-	-	$\frac{1}{10}$ th.
Respectable labourers were	-	-	-	-	-	-	$\frac{6}{10}$ ths.
Dissolute and chronic were	-	-	-	-	-	-	$\frac{3}{10}$ ths.

The total number applying in the last three years were—

	1891.	1892.	1893.
	808	963	951

and the numbers in the last quarters of 1891 and 1893 were respectively 210 and 314, which shows an increase this winter of nearly 50 per cent. Each application is investigated by voluntary agents, Bible women, &c. In cases of sickness, relief is given in orders for provisions to the amount of 2*s.* 6*d.* or 3*s.* for one person. Here, as elsewhere, there is a growing distaste for outdoor and a preference for tea. A labour test is imposed on men by offer of work in the stick factory, where they can earn from 1*s.* 3*d.* to 2*s.* a day, not have their breakfast and dinner. About 30 men are now employed in the stick factory. Unhappily few have been accustomed to finding suitable work for women. At one time, it was usual to give them work at tying stockings, but this has been abandoned, as, owing to improvements in knitting machinery, this description of work cannot now be obtained. The following extract from the latest report shows how the applications from unemployed were dealt with in 1892.

The number who applied on the ground of want of employment was 189. Of that number 118 were men, and 31 were women. To 421 men and 19 women an offer of temporary employment was made, with the following results, viz. :—

	Men.	Women.	Total.
Refused the offer of work - - - - -	21	1	22
Accepted cards but did not appear at works - - - - -	85	0	85
Went to the works, but did no work - - - - -	9	0	9
Total who did not accept work when offered - - - - -	115	1	116
Total who accepted the employment offered - - - - -	306	18	324
Totals - - - - -	421	19	440

ABERDEEN—CITY PARISH.

Replies to Queries by Inspector of Poor.

1. No. At 31st December 1892, there were - - - - - 378
At 31st December 1893, there were - - - - - 440
Increase at 31st December 1893 - - - - - 62
2. In the ordinary way, as follows, viz. :—
 - a. Relief in poorhouse.
 - b. Do. outdoor.
 - c. Relief offered in poorhouse, but not accepted.
 - d. Refused relief, not being considered proper objects.
3. Not abnormally large, considering the changeable weather, general dulness of trade, and, latterly, the joiners' strike.
4. Not if the weather keeps open.
5. No, not so far as seen at present.
6. No. I think provision is being made as far as possible to get over any such difficulty by the magistrates and the Association for Improving the Condition of the Poor.
7. Not a single application has been made at the office here by an able-bodied man.
 - a. } See above.
 - b. }
 - c. }
8. No, but information is furnished here readily when asked for.
9. Statistics :—

a. Number of Applications.

	1891.	1892.	1893.
For quarter ending 31st March - - - - -	164	163	155
" " 30th June - - - - -	159	154	155
" " 30th September - - - - -	125	140	163
" " 31st December - - - - -	137	162	186
	585	619	659

b. Number of Sane Poor chargeable at 1st January.

	1891.	1892.	1893.	1894.
Outdoor roll - - - - -	503	493	489	504
Poorhouse - - - - -	195	195	215	215
Other parish poor resident in this parish - - - - -	100	107	113	108
	798	795	817	827

10. Date when assessment for poor due, 4th June.

11. Rate of assessment for poor per £ on owner—

1890-1.	91-2. 18	1892-3.	1893-4.
d. 5½	d. 5¾	d. 5¾	d. 5½

AMHERSTEN. 12. Amount paid as at 15th January—

	1891.	1892.	1893.	1894.	
	£ 4,077	£ 4,455	£ 4,470	£ 4,362	

13. Number of ratepayers exempted same four years—

	1891.	1892.	1893.	1894.	
	1,756	1,783	1,694	About 1,700	

OLD MACHAR PARISH.

Replies to Queries by Inspector of Poor.

1. About 30.
2. Usual way.
3. Doubtful.
4. No.
5. No.
6. No.
7. None.
8. Yes, when necessary.
9. Statistics—

a. Number of Applications.

Year.	1st January to 31st March.	1st April to 30th June.	1st July to 30th September.	1st October to 31st December.	Totals.
1891 - - -	138	80	100	110	428
1892 - - -	126	96	83	129	434
1893 - - -	119	106	101	121	447

b. Number of Sane Poor chargeable to Old Machar.

Year.	Number on Outdoor Roll.	Number in Poorhouse.	Number of Stranger Poor.	Totals.
1st January 1891 - - -	450	107	168	725
1st January 1892 - - -	452	78	151	681
1st January 1893 - - -	464	99	150	713
1st January 1894 - - -	472	110	154	736

10. Date when assessment for poor due, 5th October.

11. Rate of assessment for poor per £ on owner—

1890-1.	1891-2.	1892-3.	1893-4.	
d. 3½	d. 3½	d. 3½	d. 3½	

12. Amount paid as at 15th January—

	1891.	1892.	1893.	1894.	
	£ d. 4,534 10 5½	£ d. 4,908 16 10½	£ d. 4,594 17 10	£ d. 4,874 0 0	

13. Number of ratepayers exempted same four years—

ABERDEEN.

	1891.	1892.	1893.	1894.
	758	800	784	Not yet disposed of.

ASSOCIATION FOR IMPROVING THE CONDITION OF THE POOR.

1. So far as the *number* of persons out of work is concerned, I believe there are quite as many this winter as last, although the number of applications on the ground of want of work have this year been fewer. Charity Organisation.

During the winter 1892-93 it was reported that 700 men had been registered by the Secretary of the "United Trades' Council" as out of work. During the present winter those out of employment were invited by a committee of the town council to have their names registered, and when the list was closed it contained 181 names.

2. As has been shown, the number of *applications* has not increased. There is comparatively little *exceptional* distress *for the season* from want of employment, and what does exist is being fairly well met by work of a suitable kind, which the town council has been able to push forward.

3. *See* preceding answer.

4. No.

5. No.

6. No.

7.—(a.) Respectable skilled workers, one-tenth.

(b.) Respectable labourers, six-tenths.

(c.) Dissolute and chronic, three-tenths.

8. This association is in active co-operation with parochial and municipal bodies.

9. Statistics—

Applications.	1891.	1892.	1893.
To 31st March	297	366	351
To 30th June	163	172	153
To 30th September	138	121	133
To 31st December	210	304	314
Totals	808	963	951

FORFAR.

The linen and jute works are the staple, and almost the only, industry in Forfar. Owing to dulness of trade the factories are on short time (40 hours per week instead of 56), and the night shifts are discontinued, which will cause straitened circumstances in many families, but it is not known that *exceptional* distress or destitution has occurred. It is estimated that about 2,500 hands are employed in the factories, and that girls who in busy times can earn 1*l.* and upwards a week are not now making more than 8*s.* a week. Some of the young men thrown idle through stoppage of night shifts have found temporary employment in farm work. Four millowners have erected extensions to their works in prospect of a revival of trade. FORFAR
(12,057).

Masons, builders, joiners, slaters, and outdoor labourers have had full employment throughout the winter.

There has been a considerable increase in the number of applications for relief during the last three years. The numbers are— Parochial board.

	1891.	1892.	1893.
	147	161	219

or nearly 50 per cent. of an increase in two years: but it is explained that this increase is attributable in great part to applications from navvies who had been working at the Forfar and Brechin Railway.

FORFAR.

There have been no applications from able-bodied, except from tramps. While the applications have largely increased, the pauperism in Forfar shows little increase. The figures are, at 1st January—

1891.	1892.	1893.	1894.
182	176	182	193

The increase over last year is wholly accounted for by the increase in number of broken-down men in the poorhouse.

There have been a few applications for exemption from payment of rates on account of poverty arising from adoption of short time at works, but these are comparatively few, and have not yet been disposed of.

Municipal.

Burgh authorities have no knowledge of unusual distress in Forfar. If such arose there is ample provision outside of parochial relief. There is a large common-good which could be applied to some extent, if necessary. The burgh rates are as well paid as usual. Houses are well let, and rents paid up.

Charitable.

Owing to the dulness of trade, and short time in the factories, a soup kitchen was opened in the beginning of January. It is supported by voluntary contributions. Tickets are distributed by clergymen and members of committee. About 300 soup rations are given out gratis every day, and the surplus soup is sold at 1d a basin. The kitchen was opened principally for the sake of children attending school, and the benefit has been highly appreciated both by the scholars and masters.

PARISH OF FORFAR.*Replies to Queries by Inspector of Poor.*

1. Yes, principally by navvies working at the Forfar and Brechin Railway, but none of them were able-bodied.

2. Sent to poorhouse.

3. There is no special distress here at present, but short time in factories, and some lads who were on night shifts are now unemployed, these shifts being for the present put off, but outdoor workers have had full employment hitherto throughout the winter.

4. No.

5. No.

6. No.

7.—(a.) Respectable skilled workers. None.

(b.) Respectable labourers. None.

(c.) Dissolute. Usual supply of vagrants.

8. There has been no necessity hitherto.

9. Statistics—

a. Number of applications in Years 1891, 1892, 1893 for quarters—

Year.	1st January to 31st March.	1st April to 30th June.	1st July to 30th September.	1st October to 31st December.	Totals.
1891 - - -	34	36	36	41	147
1892 - - -	42	37	44	38	161
1893 - - -	51	49	53	66	219

b. Number of sane poor chargeable to parish at 1st January 1891, 1892, 1893, and 1894.

	1891.	1892.	1893.	1894.
Number of poor on outdoor roll - - -	129	123	159	142
Number in poorhouse - - -	32	29	20	32
Number of other parish poor chargeable in parish outdoor.	21	24	23	19
	182	176	182	193

10. Assessment for poor due 28th November 1893.**11. Rate of assessment per £ on owners—**

1890-1.	1891-2.	1892-3.	1893-4.
6d. per £	6½d. per £	6½d. per £	6½d. per £

12. Amount paid at 16th January—

FORFAR.

	1891.	1892.	1893.	1894.
	£ s. d. 1,442 16 2	£ s. d. 1,566 5 4	£ s. d. 1,506 8 8½	£ s. d. 1,523 0 6

13. Ratepayers exempted—

	1891.	1892.	1893.	1894.
	74	59	62	71

Parochial Board Office, Forfar,
25th January 1894.

JAMES RODGER,
Inspector.

PAISLEY.

This town has peculiar advantages in tiding over a period of depression, in that the working population is not restricted to one industry. In addition to the staple industry of thread manufacture there is:—Corn flour and starch making, shipbuilding, engineering and machine making, soap making, shawl making, calico and shawl printing, chemical manufacture, dyeing, fireclay works, oil refining, &c. It is estimated that 4,000 girls, at least, are employed in this town, and earn from 8s. to 15s. a week; if, therefore, the head of the family is out of work, a sufficient income may be maintained to prevent destitution. The thread, engineering, starch and soap manufactories have been slack for some time. The last report (1893) of the "Savings Bank of Paisley," reveals the gratifying fact that the number of depositors has increased in the year from 11,554 to 11,912, and the amount due to depositors has increased by 18,587*l.* over the previous year, and the total amount due to depositors (328,577*l.*) is the largest on record. Paisley is rich in endowments for coal for the poor. The magistrates distribute 150*l.* per annum, and other societies distribute at least 240*l.*

PAISLEY
(66,418).
General.

There has not been any material increase in the number of applications for relief to the Abbey and Burgh Parochial Boards. The numbers for the last three years are—

Parochial
boards.
Burgh Parish
of Paisley and
Abbey Parish.

	1891.	1892.	1893.
	1,561	1,603	1,709

showing an increase of 9 per cent. in two years.

The number of sane poor receiving relief in Paisley at 1st January in the last four years is—

	1891.	1892.	1893.	1894.
	1,278	1,232	1,318	1,331

showing an increase of 4 per cent. in three years.

The assessments for the poor, which are imposed at the same rate as last year, are better paid by 288*l.*

The winter of 1892-3 was a very severe one, and the number of applications to the society was consequently large. The numbers applying this winter are fewer as compared with last winter. It must, however, be borne in mind that it is the practice of this society to augment the allowances of persons in receipt of parochial relief, and the extent of its operations may be affected by the generosity or parsimony of the parochial boards, as well as by the fluctuations of destitution. The numbers relieved in 1891 were 143; in 1892, 189; in 1893, 166.

Charity
Organisation
Society.

A deputation from the unemployed waited on the magistrates in December last, and stated that about 400 men were out of employment. The magistrates agreed to open a register

Municipal
Work.

of unemployed, and from 7th December 1893 to 8th January 1894, 140 men enrolled themselves. Of these applications, four were from skilled tradesmen, the rest were labourers and "loafers." The applicants were offered stonebreaking in the town's quarry, and an average of 80 have been employed there, the lowest number has been 60, the highest 87. Some men have earned 3s. a day, but the average is 1s. 6d. The circumstances of the applicants were carefully investigated by the police, and that destitution did not exist in all cases may be judged from the fact that the register shows family incomes per week as follows:—29s., 13s., 16s., 10s., 12s., 12s. 6d., 8s., 9s., 24s., 12s., 17s., 11s., 20s., 11s. 3d., 15s., and in many cases 4s., 5s., and 6s.

BURGH PARISH OF PAISLEY.

Replies to Queries by Inspector of Poor.

1. There has not been any appreciable increase this winter in the number of applications for relief.

2. The magistrates of the burgh and Police Commissioners have made arrangements for providing work for the unemployed in the town's quarry at stonebreaking, and in connection with the sanitary department. The men were invited to enrol their names in a register kept at the police office. Up to this date 140 names have been enrolled. A number of these did not take advantage of the work offered. Others started work but left off work in a few days, some of them procuring work otherwise, and at this date only 70 are thus employed, the average rate of wages is 2s per day.

3. It is thought no further special provision for giving employment will be necessary, as the number is not increasing, trade is dull but workpeople all over the town are fairly well employed, although a considerable number were temporarily out of work during the recent severe weather, such as masons, bricklayers, slaters, &c. Paisley is fortunate in having abundance of work for females, who are all employed at remunerative wages.

4. No further increase is anticipated, it is thought the worst is past.

5. It does not appear there will be any difficulty in providing further work for the remainder of the winter, or in meeting any emergency which may yet unexpectedly arise.

6. No further exceptional arrangements, it is thought, will be necessary.

7. No direct applications have been made to the parochial board for relief by the resident able-bodied. A number of applications have been made by the migratory or tramp class coming into the parish on the day of application: all such cases received a line of refusal after being certified by the medical officer.

The majority of those who have applied to the magistrates for work belong to the ordinary labouring classes, there being only a small per-centage of respectable skilled workers, and a considerable number of the loafer and dissolute class.

8. The parochial officials, burgh officials, and charities cordially co-operate, but it is seldom any united action is necessary, communications being mostly confined to seeing that no overlapping of relief takes place.

9. Statistics—

(a.) Number of applications in each of last three years.

Quarter.	1891.	1892.	1893.
1st January to 31st March - - - -	217	226	227
1st April to 30th June - - - -	213	237	235
1st July to 30th September - - - -	193	227	252
1st October to 31st December - - - -	223	222	273
Total each year - - - -	846	912	987

Average of three years, 915.

Increase in number of applications solely attributable to the tramp class.

(b.) Number of sane poor chargeable on 1st January of last four years—

—	1891.	1892.	1893.	1894.
On outdoor roll - - - -	590	565	581	591
		Average, 581		
In poorhouse - - - -	147	123	135	128
		Average, 133		
On other parish poor outdoor roll - -	136	119	158	164
		Average, 144		
Totals - - - -	873	807	874	883

11th January 1894.

ROBT. ROWAND,
Inspector.

AMOUNT of Assessment paid at 8th January.

PAISLEY.

	1890-91.	1891-92.	1892-93.	1893-94.
Assessment due September - -	Rate. 5 <i>d.</i> per £	Rate. 5½ <i>d.</i> per £	Rate. 5 <i>d.</i> per £	Rate. 5 <i>d.</i> per £
	2,048	2,384	2,151	2,243

RATEPAYERS exempted at same date.

	1890-91.	1891-92.	1892-93.	1893-94.
	281	245	232	257

PARISH OF ABBEY, PAISLEY.

Replies to Queries by Inspector of Poor.

1 and 2. There is no material increase in the number of ordinary applications for relief this winter.

3. Inquiry has been made at some of the manufacturing firms in the parish and others as to the state of trade generally, and I find (1) that in the *thread* industry, the trade is good and compares favourably with this time last year. (2.) In the *engineering* works, trade is quiet, and prospects at present not very good and somewhat similar to the corresponding time last year. (3.) In the *dyeing* trade, work is somewhat dull. A large employer informed me that while business was dull, the number of his employes was similar to last year. (4.) In the *building* trade, work is more abundant in this locality than it has been at the same season of the year, for a few years past.

4, 5, and 6. I do not anticipate any abnormal increase in the number of the unemployed this winter, especially as the season has been open. The industries of the parish are numerous, and a great number of the respectable skilled workers, even if they should be temporarily out of employment, are enabled to get along by assistance derived from their families, and the unions or societies with which they are connected. The parish of Abbey is fortunate in having an ample outlet for female labour in connection with the thread and flax spinning industries. In the Paisley part of the parish are situated the mills of J. and P. Coats, Limited; in the east district one of the mills belonging to the firm of Messrs. Clark and Company, Anchor Thread Works; in Elderslie the cotton spinning mill of Brown, Malloch, and Company; in Johnstone the flax spinning mills of Messrs. Finlayson, Bousfield, and Company, and a cotton spinning mill belonging to the firm of Brown, Malloch, and Company.

7. Classes of ablebodied applying to the parish for quarter ending December—*a.* Respectable skilled workers, 1; *b.* Respectable labourers, 1; *c.* Dissolute, 0.

The number who applied for the quarter was three, consisting of a moulder, a labourer, a housewife.

8. Parochial and burgh officials and charities co-operate mainly by supplying particulars as regards family circumstances and character, &c., in particular cases.

9. *a.* The number of applications for the three years (excluding claims from other parishes) was—

Quarter.	Applications.	Ablebodied.
1891.		
January to March - -	188	3
April to June - -	171	1
July to September - -	146	2
October to December -	210	8
	715	14
1892.		
January to March - -	193	6
April to June - -	157	4
July to September - -	145	1
October to December -	196	4
	691	15
1893.		
January to March - -	171	2
April to June - -	178	3
July to September - -	154	1
October to December -	219	3
	722	9

PAISLEY.

The occupations of the persons refused for the three years were as follows:—Labourers (11), country servants (2), millworker (1), housewife (5), cloth hoppers (2), outworkers (5), engineer (1), dancing master (1), weaver (1), shoemaker (1), dyer (1), tinsmith (1), pensioner (1), spinner (1), dressmaker (1), comb-maker (1), winder (1), moulder (1).

b. The number of sane poor chargeable to the parish at 1st January 1891, 1892, 1893, and 1894 was—

—	1891.	1892.	1893.	1894
Number on outdoor roll, excluding dependants.	220	234	246	255
Number in poorhouse, excluding dependants.	142	145	157	141
Number of other parish poor chargeable in parish, outdoor, excluding dependants.	43	46	44	52
Total - - -	405	425	444	448

10. Assessment becomes due 14 days after issue of notice in October, proceedings not adopted for recovery till 1st March.

11. Rate of assessment for poor per £ on owners was—

1890-91.	1891-92.	1892-93.	1893-94.
5½d.	4½d.	4½d.	4½d.

12. The amount paid as at 8th January was—

1891.	1892.	1893.	1894
£ 2,647	£ 2,105	£ 2,032	£ 2,228

13. The number of ratepayers exempted was—

1890-91.	1891-92.	1892-93.
624	559	583

The appeals against assessment for this year have not yet been disposed of.

Abbey Parish, Paisley,
11th January 1894.

J. M. CAMPBELL,
Inspector of Poor.

PAISLEY ASSOCIATION FOR IMPROVING CONDITION OF POOR.

1. Our year ends on 31st October, and for the months intervening between then and now, comparatively with the corresponding period of last year (which, however, was a heavy one), the number of applications has been fewer, and the amount granted in groceries, provisions, &c., has been less, although the number of men employed in our fire lighter factory, which is our labour test, shows an increase of 17 men or thereby being employed this year against 10 of the previous year.

2. Is answered in the affirmative.

3. So far as Paisley is concerned there is nothing to fear in facing the future. Apart altogether from the many benevolences peculiar to this locality, the industries are extremely varied, and the town does not suffer from general depressions in trade to the same extent as other manufacturing centres. Besides the staple industry of thread manufacturing, which gives employment to a large number of families, and especially to the female portion, we have the following industries

represented :—Corn flour and starch making, shipbuilding, engineering and machine making, soap making, shawl manufacturing, calico and shawl printing, chemical manufacturing, dyeing, fire clay manufacturing, oil refining, and many others.

4-6. I do not anticipate any increase in the number of cases, and, therefore, do not consider any exceptional arrangements necessary.

7.—(a.) Respectable skilled workers, about 20 per cent.

(b.) Respectable labourers, about 75 per cent.

(c.) Dissolute (only assisted when families are dependent).

8. Yes.

9. Statistics :—

		Applications.						
1891.	First quarter	-	-	-	-	-	-	51
	Second „	-	-	-	-	-	-	18
	Third „	-	-	-	-	-	-	14
	Fourth „	-	-	-	-	-	-	60
								— 143
1892.	First quarter	-	-	-	-	-	-	42
	Second „	-	-	-	-	-	-	21
	Third „	-	-	-	-	-	-	27
	Fourth „	-	-	-	-	-	-	99
								— 189
1893.	First quarter	-	-	-	-	-	-	40
	Second „	-	-	-	-	-	-	36
	Third „	-	-	-	-	-	-	31
	Fourth „	-	-	-	-	-	-	59
								— 166

BURGH OF PAISLEY.

List of Applicants for Stonebreaking having Family Incomes.

Name.	Age.	Number of Family.	Weekly Earnings of Family.
A. - - -	60	3	Son, 25, earning 13s.; son earning 16s.
B. - - -	42	4	Daughter earning 8s., son earning 5s.
C. - - -	47	4	Son, 15, earning 10s.; daughter idle.
D. - - -	51	5	Daughter earning 4s., daughter earning 6s., daughter earning 4s.
E. - - -	40	4	Daughter earning 8s., daughter earning 7s., son earning 4s.
F. - - -	54	7	Daughter earning 9s. 6d., son earning 3s.
G. - - -	45	3	Daughter earning 5s., daughter earning 4s.
H. - - -	60	5	Son earning 10s.
I. - - -	48	7	Son earning 10s., daughter earning 8s., daughter earning 6s.
J. - - -	33	5	Wife earning 10s.
K. - - -	44	6	Daughter earning 7s., daughter earning 5s.
L. - - -	54	3	Daughter, 19, earning 9s.; son, 17, earning 8s.
M. - - -	—	6	Daughter, 17, earning 9s.; daughter, 13, earning 2s.
N. - - -	60	3	Son, 16, earning 14s.; daughter, 12, earning 6s.
O. - - -	50	9	Son, 17, earning 6s. 3d.; daughter, 14, earning 5s.
P. - - -	51	8	Son, 18, earning 5s.; son, 16, earning 5s.; son, 14, earning 5s.

GREENOCK.

There has been dulness in the chief industries for some time, and much poverty, if not actual destitution, prevails; but it is generally considered that matters are better this winter than last winter. In December 1892, the trades council made a representation to the town council regarding prevailing distress. After inquiry the town council on 23rd December decided to commence work by clearing away boulders, stones, &c. from a portion of the foreshore, in order to make it suitable for sea-bathing. An appeal was made to the public for subscriptions, but was so poorly responded to that the work had to be stopped for want of funds. 270 individuals were helped

GREENOCK
(63.096).

GREENOCK. with work and 36*l.* was paid in wages. This winter there has been no clamant cry, and the town council has not been approached to provide employment. There is no work at present which the town could provide except stonebreaking. In times of depression the working classes are allowed large credit by shopkeepers, and it is the shopkeepers who suffer in the end, perhaps more than the artisans; but the artisan class would not apply for relief to any organisation or accept employment on relief works. The Improvement Trust has 300 houses of from 6*l.* to 10*l.* rent; not more than 10 are unoccupied, and the rents are well paid. The trust, however, seems fortunate in its tenants, for a large factor in town says he never had a worse experience in rent collecting. The following extract from the report of the Greenock Provident Bank, and the address of the chairman, on 18th October last, deal with the state of employment in Greenock:—

"The committee regard with satisfaction the sustained growth of the bank, and although this year the increase in the funds of the bank is small, the business of the bank having been affected by dulness of trade which continued to May last, when the withdrawals exceeded the deposits by over 17,000*l.*, they yet record with extreme satisfaction that the sum of 596,598*l.* stands in the books at the credit of the depositors, of whom 97 per cent. belong to the working population. The committee have also to express their gratification that the Greenock Provident Bank, with its 18,830 accounts, is so markedly the bank of the working population, and as such it is now a most trustworthy barometer of the economic condition of the town. . . . All variations in the industries of the community are at once gauged at the bank by the state of the regular balances. Trade depression is shown by the diminution in the number of deposits; the continued pressure of dull times is felt by the withdrawal of deposits; and the imminence of great distress is manifested by the closing of the smaller accounts; while on the other hand the steady increase in the number of deposits is a proof of more than the dawn of returning prosperity. The bank is the pulse of labour in Greenock and neighbourhood."

And the chairman says:—

"During the first half of the bank's financial year, the volume of work in the shipbuilding yards and engineering works of the district was greatly restricted, and many men were out of employment, a state of matters which was accurately reflected in the transactions of the bank. Month after month the withdrawals of deposit money were largely in excess of the lodgments, until, by the end of May, there was, as mentioned in the report, a very considerable diminution in the funds of the bank. Fortunately the tide then turned, and each succeeding month since May has shown a substantial and gradually augmenting increase of the moneys coming into the coffers of the bank, whereby the falling-off, which, for the greater part of the year seemed certain to be the outcome of the year's transactions, has been converted into the, under the circumstances, very satisfactory, albeit comparatively modest, increase of 2,000*l.* odds. Taking the variations in the funds of the bank as, upon the whole, a tolerably reliable indicator of the state of employment in Greenock and its neighbourhood, it is gratifying to note that the condition of the working classes now is distinctly better than it was during last winter and the spring of this year. I wish it were possible to say that there is evidence of stability in the present fairly satisfactory position of shipbuilding and its allied industries in this district; but, however anxiously we may look for it, I am afraid such evidence will be very difficult to find."

There has been an increase in the number of applications for parochial relief. The numbers for the last three years were—

1891.	1892.	1893.
847	939	1,073

or nearly 27 per cent. of an increase in two years; but prior to 1888 the applications in this parish ranged from 1,500 to nearly 1,800 per annum. Of the 1,073 who applied in 1893, 62 were certified able-bodied workmen with dependants, and nearly all were applying for *medical* relief for a member of their family. Of the 62 only one could be classed as a respectable skilled workman, and his wife was in a dying condition; 12 were respectable labourers out of employment, and the remainder were of the dissolute class who are always on the verge of destitution. The number chargeable in Greenock on 1st January in the last four years was—

1891.	1892.	1893.	1894.
542	557	621	690

being 27 per cent. of an increase in three years.

Nothing has been done by the Greenock Charitable Society this winter. Last winter the society was in operation. The town was divided into eight districts, with a convener in each. The convener appointed distributors. The money on hand was divided among the conveners of the different wards, and the distributors gave relief in tickets for provisions. It is not anticipated that an appeal this winter for funds would meet with a liberal response.

GREENOCK.
Charitable
Society.

GREENOCK PARISH.

Replies to Queries by Inspector of Poor.

1. There is an increase in the number of applications for relief during year ended 31st December 1893 of 134 over that of 1892, an increase of 226 over that of 1891, and an increase of 61 over that of 1890, but this increase is not material or alarming, considering the depressed state of trade in this locality for the last three years, and, taking into account the fact that prior to 1889 the annual number of applications for relief greatly exceeded that of last year.

2. These applications are being dealt with in the usual way, those certified *disabled* are relieved, either with outdoor or indoor relief, as appears best suited to their circumstances; and those certified *ablebodied* are refused, except in such special cases as those referred to in the Board of Supervision circular dated 12th December 1878, when the recommendation therein given is acted upon, but these cases are very few, or, in cases where *medical aid only* is asked for a suffering wife or child, the husband being ablebodied and out of work. In such cases, medical attendance and medicines are frequently given, but stopped when the suffering member of family is better, or the husband has resumed his work.

3 and 4. I do not think matters are likely to be worse than they are at present, nor do I anticipate much of an increase, if any, in the number of applications in future, as the bulk of those who may be deemed proper objects of relief have already applied.

There is at present a considerable amount of available work in the several shipbuilding yards, and other public works in town, if the workmen would only settle down to it. It is matter of fact, however, that many of them prefer to strike, or impose objectionable rules upon employers, which has the effect of throwing hundreds of workmen, who are willing to work, out of employment, and who might otherwise be earning fair remuneration for their labour.

5 and 6. I do not think there will be any difficulty in meeting any increase of applications which may come in, nor do I consider any exceptional arrangements necessary in this parish.

7. Of the 1,073 applications made to this board in 1893, only 62 were certified ablebodied workmen with dependants, and nearly all were applications for *medical relief*, to some member of the family who was ailing.

Only one of that number could be classed as a "respectable skilled workman," whose wife was in a dying condition, 12 were those of "respectable labourers" out of employment, and the remainder were all of the "dissolute class," who are always in poverty, and do not care to work if they can get help otherwise.

8. Yes, and have always done so.

9a. Number of applications for relief in Greenock parish in each quarter of years 1891, 1892, and 1893.

		No. of Applications.					
1891	{	1st January to 31st March 1891	-	-	-	-	225
		1st April to 30th June 1891	-	-	-	-	202
		1st July to 30th September 1891	-	-	-	-	172
		1st October to 31st December 1891	-	-	-	-	248
							847
1892	{	1st January to 31st March 1892	-	-	-	-	211
		1st April to 30th June 1892	-	-	-	-	212
		1st July to 30th September 1892	-	-	-	-	208
		1st October to 31st December 1892	-	-	-	-	308
							939
1893	{	1st January to 31st March 1893	-	-	-	-	298
		1st April to 30th June 1893	-	-	-	-	258
		1st July to 30th September 1893	-	-	-	-	237
		1st October to 31st December 1893	-	-	-	-	280
							1,073

96. Number of sane poor chargeable to Greenock parish at 1st January 1891, 1892, 1893, and 1894.

	Adults	Dependants
1891.		
At 1st January 1891:		
On outdoor roll - - - -	327	338
In poorhouse - - - -	177	46
Other parish, poor outdoor - - -	38	39
	542	393
1892.		
At 1st January 1892:		
On outdoor roll - - - -	330	336
In poorhouse - - - -	195	15
Other parish poor, outdoor - - -	32	21
	557	372
1893.		
At 1st January 1893:		
On outdoor roll - - - -	376	383
In poorhouse - - - -	219	22
Other parish poor, outdoor - - -	32	39
	621	441
1894.		
At 1st January 1894:		
On outdoor roll - - - -	449	396
In poorhouse - - - -	234	26
Other parish poor, outdoor - - -	37	32
	690	457

Greenock, 13th January 1894.

JOHN S. DEAS,
Inspector of Poor.

10. Date when assessment for poor due?—31st October.

11. Rate of assessment for poor on owners, for—

1890-91 - - - -	5d. per £	1892-93 - - - -	5½d. per £.
1891-92 - - - -	5½d. „	1893-94 - - - -	4½d. „

12. Amount paid at 8th January—

	£	s.	d.		£	s.	d.
1891 - - - -	5,635	7	4	1893 - - - -	7,415	19	0
1892 - - - -	8,329	19	5	1894 - - - -	7,306	12	9

13. Ratepayers exempted—

1890-91 - - - -	3,236	1892-93 - - - -	2,446
1891-92 - - - -	2,478	1893-94 - - - -	792 to date.

Greenock, 13th January 1894.

THOMAS BURTON,
Collector

PORT GLASGOW.

Last winter the existence of destitution was very apparent. The shipyards were closed. This winter distress is not apparent. The shipyards are all open, and many workers come into the town from Greenock. Last winter a citizens' meeting was called by the Provost, and a fund was collected by voluntary subscription; 343*l.* were raised; a soup kitchen was opened, and soup rations were issued to a total cost of 191*l.* The largest number of rations given on any one day was 592. In addition, 123*l.* was spent on special relief, boots and clothing for children, &c., out of this voluntary fund, and the parochial board spent 460*l.* beyond their normal expenditure in relief of cases arising through hard times.

There is a falling off in the number of applications for relief as compared with last year, and the pauper roll also shows a tendency to decrease. The applications for the last three years were, in—

1891.	1892.	1893.
220	259	210

and the numbers chargeable in Port Glasgow parish at 1st January—

PORT
GLASGOW.

	1891.	1892.	1893.	1894.
	138	140	169	159

The town council have no funds which could be applied to relief of destitution among unemployed, but will exert personal influence, as formerly, should occasion arise to call for exceptional measures to be taken. Municipal.

PARISH OF PORT GLASGOW.

Replies to Queries by Inspector of Poor.

1 and 2. This winter (1893-94) there is a falling off in the number of applications for parochial relief compared with last season.

3. The present aspect of affairs in Port Glasgow is one of improvement in business. The ship-building yards are all open. Owing, however, to trade disputes the finishing of the vessels is being retarded, the joiners being locked out; the mills are going.

4 and 5. We anticipate a fair amount of employment for our artisans and labourers during the next six months.

6. We do not consider any special effort for the relief of the unemployed required at present.

7. No skilled workers or respectable labourers have made application to the parochial board. Neither have we heard of any applications from members of this class to the charitable. The dissolute; last winter we had a pressure of applications from the thriftless class while this season we have no such experience.

8. The Port Glasgow Inspector of Poor is in harmony with the burgh officials, the clergy, and the charitable in town. Last winter the inspector was a member of the charitable committee called into operation by the magistrates. Cases of destitution properly chargeable to the poor's fund were relieved, and the magistrates' fund expended on the relief of cases outside of the poor law. The board disbursed 460*l.* beyond their normal expenditure relieving cases arising through the hard times. The board expenditure is now almost back to its ordinary amount.

9. Statistics. *a. Applications for relief.* In Port Glasgow we repeat applications as little as possible, the numbers making application in the years named are as follows:—

Quarter ended	1891.	1892.	1893.
(1.) March 31st - - -	55	71	59
(2.) June 30 - - -	48	52	49
(3.) September 30 - - -	58	62	43
(4.) December 31 - - -	59	74	59
	220	259	210

b. Number of sane poor on registered roll on 1st January—

	1891.	1892.	1893.	1894.
	Cases.	Cases.	Cases.	Cases.
1. Receiving outdoor relief, Port Glasgow.	90	95	108	114
Port Glasgow poor in other parishes.	28	22	28	26
2. Inmates of poorhouse -	38	35	49	33
3. In Port Glasgow other parish poor.	10	10	12	12
	—	—	—	—
Total in Port Glasgow sane poor, all forms of relief.	138	140	169	159
	—	—	—	—

10. In Port Glasgow the committee will not permit the officers to use diligence sooner than the month of April. We count our defaulters on 20th June. The following are the figures requested by Mr. Barclay.

Collection of Poores Assessment—

PORT
GLASGOW.

	Years.			
	1890-91.	1891-92.	1892-93.	1893-94.
11. Owners rate per £ - -	d. 9 $\frac{1}{4}$ £	d. 9 $\frac{1}{4}$ £	d. 9 $\frac{1}{4}$ £	d. 10 $\frac{1}{4}$ £
12. Amount paid on January 8th.	1,247	1,354	1,033	1,807
13. Number of male ratepayers unpaid June 20.	574	544	860	No return.

General Remarks.—We consider business dull at present. The wage workers are on short hours during the winter months and their earnings are reduced. What we desire to make plain is that things are better than during the winters of 1885-86 and 1892-93. At those times most of the works were shut up, and there was distress among the well conducted working classes, and the magistrates required to organise special relief for the unemployed.

Port Glasgow, 13th January 1894.

HENRY NIXON,
Inspector of Poor.

AIRDRIE, COATBRIDGE, MOTHERWELL.

AIRDRIE
(9,135).
COATBRIDGE
(30,034).
MOTHERWELL
(18,726).

There is no destitution in this district among residents through want of employment. Generally, trade in the large iron and steel works is good, and the demand for all kinds of coal has been well maintained since work was resumed after the late strike. There are always a number of destitute persons tramping through the district, presumably in search of work, who resort to the lodging-houses when they have the means, and otherwise shelter round the furnaces and brick-kilns. Of 760 applications made to the inspector at Airdrie in 1893, 428 were from vagrants, of whom 168 were Irish, and 18 English or foreign. On a recent night (22nd January) 64 tramps sought shelter in the brickworks around Coatbridge. The statistics of pauperism in this district at 1st January of the last four years is:—

	1891.	1892.	1893.	1894.
	654	632	630	662

AIRDRIE, PARISH OF NEW MONKLAND.

Replies to Queries by Inspector of Poor.

1. No. 23 fewer applications during last six months.
2. See above.
3. Normal.
4. No.
5. No.
6. No.
7. *Skilled workers 10, labourers 8; all refused, being able-bodied tramps. *Cabinet makers 2, iron-worker 1, fitter 1, glass-writer 1, shoemaker 1, oilworker 1, mason 1, boilermaker 1, and domestic 1.
8. The authorities work together when needful. No charities.
9. Statistics:—

a. Number of Applications.

Quarter.	1891.	1892.	1893.
1st January to 31st March	211	204	205
1st April to 30th June	201	173	187
1st July to 30th September	172	184	185
1st October to 31st December	269	210	183
	853	771	760

§ 428 vagrants, of these 100 our own parishes, 168 Irish, 46 other parishes, 72 undetermined, 18 English and foreign.

b. Number of Sane Poor chargeable on 1st January.

	1891.	1892.	1893.	1894.
Outdoor roll	192	158	152	150
In poorhouse	61	80	77	93
Other parish poor on roll	29	28	25	25
	282	266	254	268

10.—3rd August 1893. Warrant put in force after 9th February 1894.

AIRDRIE,
COATBRIDGE,
MOTHERWELL.

11. Rate of assessment for poor per £ on owner—

1890-1.	1891-2.	1892-3.	1893-4.
6d. per £.	5½d. per £.	5½d. per £.	6d. per £.

The reduced rate in 1891-2, 1892-3, was due to an accumulated balance, the increase in 1893-4 is therefore only a seeming one.

12. Amount paid at 19th January—

1891.	1892.	1893.	1894.
£ 3,117	£ *2,586	£ 3,332	£ 3,671

* Railway rates not paid till later.

13. Number of persons exempted—

1891.	1892.	1893.	1894.
468	468	515	407

Airdrie,
19th January 1894.

AND. T. ALSTON,
Inspector.

COATBRIDGE, PARISH OF OLD MONKLAND.

Replies to Queries by Inspector of Poor.

1. No material increase of applications.
3. The present aspect of affairs is very favourable.
4. No increase is to be anticipated.
6. No exceptional arrangement is necessary.
7. *Classes of able-bodied applying*—
 - a. Respectable skilled workers. None.
 - b. Respectable labourers. None.
 - c. Dissolute. 6 males, 8 females = 14 since 15th May 1893.
8. No co-operation at present.
9. *Statistics* :—
 - a. Number of applications—

1891. 1st January to 31st March, 181 ; 1st April to 30th June, 141 ;
1st July to 30th September, 145 ; 1st October to 31st December, 168.

1892. 1st January to 31st March, 175 ; 1st April to 30th June, 128 ;
1st July to 30th September, 142 ; 1st October to 31st December, 170.

1893. 1st January to 31st March, 181 ; 1st April to 30th June, 168 ;
1st July to 30th September, 175 ; 1st October to 31st December, 211.
 - b. Number of sane poor chargeable to parish at—

1st January	1891	-	-	-	238
" "	1892	-	-	-	227
" "	1893	-	-	-	257
" "	1894	-	-	-	283

	1891.	1892.	1893.	1894.
Number on outdoor roll - - - -	138	114	131	148
Number in poor house (including other parish poor)	74	82	98	109
Number of other parish poor chargeable out door -	26	31	28	26
Totals as above - - - -	238	227	257	283

10. Date when assessment for poor is due.—31st December each year.

11. Rate of assessment for poor per £ on owner—

	1890-1.	1891-2.	1892-3.	1893-4.	
	d. 4½	d. 4	d. 5.	d. 5	

12. Amount paid as at 15th January—

	1891.	1892.	1893.	1894.	
	£ 5,173	£ 5,777	£ 5,198	£ 6,581	

13. Number of ratepayers exempted—

	1891.	1892.	1893.	1894.	
	313	283	207	301	

Remarks.

Property is being freely erected in the burgh, and masons, bricklayers, joiners, and other trades appear to be well employed at present. Speaking generally, the unemployed here are not more numerous at present than at any other time for the last few years.

It was reported to me on Monday last (22nd instant) that a number of unemployed were residing in the common lodging-houses in Coatbridge, also that numbers had found shelter in the various brickworks in the parish. I found, on making inquiry, that there were only 23 in the common lodging-houses and 64 in the brickworks, consisting of migratory tramps and unemployed, strangers to the place.

The number found at the last raid made by the police some time ago was 120 in the brickworks.

Since 15th May last there has been dealt with 24 deserted wives, who stated that their husbands had gone to seek employment: 11 of these accepted the poorhouse, the remainder refused to do so, and on further inquiry several of them turned out to be in communication with their husbands, who had obtained employment in the interval.

There have only been 14 applications (answer 7, c) since the above date (15th May) who were refused on the ground of being ablebodied.

Applications for relief have slightly increased during the last quarter, attributable to the season of the year.

Old Monkland Parish, Coatbridge,
27th January 1894.

WM. B. BURNETT.
Inspector of the Poor.

MOTHERWELL, PARISH OF DALZIEL.

Replies to Queries by Inspector of Poor.

1. No.

3. Much the same as in past years. No destitution of ablebodied. Generally trade in the large iron and steel works is good. The general opinion is, that had it not been for the recent coal strike, the iron and steel trade in Motherwell would have had an exceptionally good winter.

7. Classes of ablebodied applying—

(a.) Nil

(b.) Nil.

(c.) Several on tramp, no excess.

8. No.

9. Statistics :—

AIRDRIE,
COATBRIDGE
MOTHERWELL

a. Applications for Relief.

1891.	1892.	1893.
Ending 31st March, 62. " 30th June, 71. " 30th September, 76. " 31st December, 67.	31st March, 79. 30th June, 70. 30th September, 67. 31st December, 70.	31st March, 75. 30th June, 69. 30th September, 67. 31st December, 74.

b. Number of Sane Poor on Roll at 1st January.

—	1891.	1892.	1893.	1894.
On outdoor roll -	92	94	83	88
In poorhouse -	9	9	9	11
Other Parish poor, outdoor.	33	36	27	32
	134	139	119	131

10. 7th December.

11. Rate of assessment for poor per £ on owner—

1890-1.	1891-2.	1892-3.	1893-4.
5½d. per £	4½d. per £	3½d. per £	3d. per £

*12. Rates collected at 15th January—

1890-1.	1891-2.	1892-3.	1893-4.
£ 1,182	£ 741	£ 1,348	£ 2,689

13. Ratepayers exempted—

1890-1.	1891-2.	1892-3.	1893-4.
27	39	43	61

JOHN MILLER,
Inspector.

PERTH.

In addition to the usual business of a county town, Perth has various industries and manufactures. PERTH(29,8) The staple industry, dyeing, is one which is apt to be increased rather than diminished by depressions of trade elsewhere. The other industries are linen and jute factories, ink and bottle works, and the extensive railway station and works connected therewith afford employment for a large number of men. Although the jute and linen works have been on short time, and the full number of hands not employed, destitution does not seem to have arisen. It appears that employers here are very considerate when reducing the numbers of their employés. It is very usual for several members of a family to be engaged in the same work or factory, and the practice is that the married women are first discharged, while the husband, or daughters, or lodgers continue to contribute to the support of the household. I find from inquiry at several of the largest works, where employment for 3,310 persons can be found in good times, that at present 2,970 are at work, which shows that a little more than 10 per cent. under the maximum are at present at work. The men employed in the building trades have had no lack of work, and outdoor labour has been plentiful, except during stormy weather. On

* This is the collection of the total amount of rates levied by the parochial board, including poor, burial grounds, registration and school rate.

the whole it may be said that there are no more unemployed this year than usual, and that there is really no serious or general destitution in the city. No doubt there are idle, lazy, and dissolute persons who are in a chronic state of poverty, and who owe their condition to their depraved habits. There are many charitable institutions in the city.

There has been an increase of 42 applications on the quarter to 31st December 1893 as compared with the corresponding quarter of 1892, but this increase is wholly attributable to the tramp class, which finds Perth a convenient halting place between Glasgow and Dundee. Of 976 applications in 1893, 705 were from the vagrant class living temporarily in lodging-houses. There are licensed lodging-houses in the town capable of accommodating 301 persons nightly. This class is invariably dealt with by an offer of the poorhouse. Here, as elsewhere, there is seldom, if ever, an application for parochial relief from an able-bodied *respectable* artisan or labourer.

The number of sane poor receiving relief in Perth on 1st January in the last four years is :—

1891.	1892.	1893.	1894.
369	336	312	285

There has been no extra pressure this year on the funds of the society, and no perceptible increase in the number of applications. The society does not impose test work on applicants, but inquiries are made by clergy and other members of committee. Relief is principally given in kind, in value from 2s. 6d. to 5s., for periods from two weeks up to six weeks. Vagrants and persons in receipt of parochial relief are not, as a rule, relieved by the society. Few applications come from artisans, and when they are made they are invariably on account of sickness, not want of work. In case of any further call on the funds of the society there will be no difficulty in finding money.

The city has no funds which can be applied to the relief of the unemployed, either from the rates or the common good. During the snow storm a few weeks ago 150 men were employed clearing the streets at 2s. per day (from 9 a.m. till 4 p.m.), but the majority of them were masons' labourers, drainers, &c., who were only temporarily unemployed, and when the storm abated they had work to return to. A supply of stones for breaking has been accumulated, but at the time of my visit, 26th January, there had been no applications for this work. Some snow had fallen on the 26th, and nine men applied to clean streets.

PARISH OF PERTH.

Replies to Queries by Inspector of Poor.

1. There is an increase of 42 applications on the period from 1st October to 31st December 1893 as compared with the same period in 1892, and an increase of 28 as compared with the same period in 1891.

2. The increase is wholly made up of the vagrant and homeless class, and they are invariably dealt with in the poorhouse.

3. There is nothing to cause anxiety in the aspect of affairs in this parish, with the exception of the increase of applications from the vagrant class.

4. An increase is not anticipated. There is really no serious or general destitution in the city and parish. There is a sufficiency of outdoor work for tradesmen and labourers, and the only cases calling for attention are those who are in constant poverty and who owe their condition to their depraved and dissolute habits. Employés in two of the public works are working "short time," but, so far as known, this does not seem to have caused actual destitution.

5. Should circumstances arise to cause increased destitution, the Police Commissioners are prepared to furnish work to unemployed males.

6. No. There are charities in the city more than sufficient to meet any extraordinary call made upon them.

7. Classes of able-bodied applicants from 1st October to 31st December 1893—

(a.) Respectable skilled workers	-	-	-	-	-	-	None.
(b.) Respectable labourers	-	-	-	-	-	-	None.
(c.) Dissolute	-	-	-	-	-	-	11

8. The burgh officials co-operate with the parochial officials when necessary, as also do the directors of the Society for Improving the Condition of the Poor. There are many charities in the city, but, with the above exception, they do not co-operate with the parochial officials. The result is serious, and, at times, scandalous overlapping occurs.

9. Statistics—

PERTH.

	1st January to 31st March.	1st April to 31st June.	1st July to 31st September.	1st October to 31st December.
A. No. of applications year 1891 - - -	163	165	208	221
" " 1892 - - -	216	208	197	207
" " 1893 - - -	292	212	223	247

	Year.	Number.	Remarks.
Total No. of applications - -	1891	757	Of these 564 } were of the vagrant class, " 585 } and were living tempo- " 705 } rarily in lodging houses.
" " - -	1892	828	
" " - -	1893	976	

	Outdoor.	Poorhouse.	Total.	Other Parish Poor.
B. No. of sane poor at 1st January 1891 - -	217	92	309	60
" " " 1892 - -	190	92	282	56
" " " 1893 - -	178	77	255	57
" " " 1894 - -	155	87	242	43

10. Assessment for poor due on 11th November.

11. Rate of assessment for poor on owner per £—

1890-91.	1891-92.	1892-93.	1893-94.
<i>d.</i> 4	<i>d.</i> 4½	<i>d.</i> 5	<i>d.</i> 5

12. Amount of assessment paid as at 18th January—

1891.	1892.	1893.	1894.
£ 2,832	£ 3,191	£ 3,832	£ 3,566

13. Number of ratepayers exempted—

1891.	1892.	1893.	1894.
395	403	389	331

KIRKCALDY.

The industries are spinning flax and tow yarns, manufacturing floor cloth and linoleum, potteries, engineering, &c. Two spinning and linen mills, employing about 800 hands, have been working short time—45 hours a week: otherwise trade is normal, and the building trades have been very active, and the prospects in these trades are very bright. There is no unusual destitution in the town, the only exceptional cases which arise being those of persons tramping in search of work to and from other towns. The number of applicants for parochial relief decreases, and the number on the roll at 1st January 1894 was less than at the corresponding period in 1891, 1892, and 1893. The deposits in the "Kirkcaldy Savings Bank" at 20th November 1893 were 95,815*l.*, showing an increase of 8,670*l.* over the sum of last year. There were 5,060 accounts with balances under 50*l.*, amounting in the aggregate to 40,480*l.*

KIRKCALDY
(27,151).

KIRKCALDY PARISH.

Replies to Queries by Inspector of Poor.

1. No.
3. Trade in a normal condition, with the exception of the linen trade, which has been dull for some months, but is gradually improving.
4. No.
6. No.
7. (a. and b.) None. (c.) The usual number.
8. To a very limited extent.
9. Statistics :—

a. Number of Applications for Relief.

Year.	1st Quarter.	2nd Quarter.	3rd Quarter.	4th Quarter.	Totals.
1891 - - - - -	43	45	40	54	182
1892 - - - - -	42	33	36	41	152
1893 - - - - -	41	38	36	49	164

b. Number of Sane Poor on Roll at 1st January.

Years.	Sane Poor in Parish.	Outdoor Roll.	Poorhouse.	Other Parish Poor.
1891 - - - - -	83	43	18	22
1892 - - - - -	79	34	24	21
1893 - - - - -	81	36	24	21
1894 - - - - -	77	40	18	19

10. Assessment due 6th November.

11. Rate of assessment for poor per £ on owner—

1890-1.	1891-2.	1892-3.	1893-4.
<i>d.</i> 3	<i>d.</i> 3½	<i>d.</i> 3½	<i>d.</i> 3½

12. Amount collected 30th January—

1891.	1892.	1893.	1894.
£ 714	£ 856	£ 895	£ 929

13. Ratepayers exempted—

1891.	1892.	1893.	1894.
53	135	82	92

GEORGE ANDERSON,
Inspector

DUNFERMLINE.

DUNFERMLINE
(22,157).

The staple trades, linen and damask, have been dull. Two factories are on full time, the rest on three-fourths, but there are no unusual symptoms of distress. In addition to the usual factory work, men are employed on the passenger railway being constructed between Dunfermline and Charleston, and on the drainage works in town. There is no reason to complain of want of work for any who are willing to work. On a recent fall of snow, the inspector of cleansing had difficulty in getting men to clean the streets. There is difficulty in securing houses for workers in factories, and rents are very high. Many of the mill hands come and go by train, morning and evening, from the south as far as Corstorphine and Kirkliston, and from the north, Thornton. The pauperism in the parish, although very slightly higher than at 1st January of last year, is 9 per cent. less than at the corresponding period of 1891.

a. Number of Applications for Relief from 1st January 1891 to 31st December 1893, quarterly.

Quarter.	1891.	1892.	1893.
From 1st January to 31st March - - - - -	83	98	113
From 1st April to 30th June - - - - -	74	83	88
From 1st July to 30th September - - - - -	89	84	82
From 1st October to 31st December - - - - -	77	104	125
Totals - - - - -	323	369	408

b. Sane Poor chargeable to Parish at 1st January 1891, 1892, 1893, and 1894.

—	1891.	1892.	1893.	1894.
Number on outdoor roll - - - - -	285	286	264	262
Number in poorhouse - - - - -	72	68	56	69
Number of other parish poor chargeable in parish, outdoor.	46	43	40	36
Totals - - - - -	403	397	360	367

KILMARNOCK.

The chief industries are engineering, cotton mills, worsted mills, and mining in Riccarton and Hurlford. The engineering works have been on short time, but there has been no clamant cry of distress in Kilmarnock. A number of unemployed pass through the town in search of work, or in hope of being employed at the drainage works now going on in Kilmarnock. Early in January of last year a soup kitchen was opened, as the weather was very severe and outdoor labour suspended. It was supported by public subscription and the proceeds of a bequest. A meeting of the committee was held on 21st December last, and it was not considered necessary to open the kitchen this year.

KILMARNOCK
(28,447).

There has been no appreciable increase in the pauperism arising in Kilmarnock and Riccarton.

Parochial
Boards.
Kilmarnock
and Riccarton.

The applications for parochial relief were, in—

	1891.	1892.	1893.
	524	496	514

and the cases on the rolls at 1st January were—

	1891.	1892.	1893.	1894.
	453	452	460	468

PARISH OF KILMARNOCK.

Replies to Queries by Inspector of Poor.

1. There is no material increase in the applications for relief this winter when compared with 1891 and 1892. The applications for the months of November, December, and January meetings of the board were for 1891, 137, for 1892, 129, and this winter 128.

2. The applications have been dealt with in the usual way this winter as in the two preceding winters. In 1892, 56 were offered the poorhouse. In 1893, 70 were offered the poorhouse, and this winter in the same months 60 were offered the poorhouse.

3. As far as I can observe there is no material difference in the aspect of affairs. The only difference I can notice is an increased number of able-bodied vagrant poor.

4. I do not anticipate any material increase in the applications for relief.

5. There would be no difficulty in the parochial board meeting any slight increase which may arise.

6. No.

7. Any applications we have from able-bodied poor are strangers of whom we know very little; but generally we have no applications from respectable skilled workers or labourers, either able-bodied or not able-bodied.

8. Hitherto there has been no co-operation between the officials referred to but if a crisis was to arise, I have no doubt but that they would harmoniously work together.

9. Statistics:—

a. Number of Applications for Relief.

Years.	Number of Applications for Quarter from 1st January to 31st March.	Number of Applications for Quarter from 1st April to 30th June.	Number of Applications for Quarter from 1st July to 30th September.	Number of Applications for Quarter from 1st October to 31st December.	Total.
1891 -	119	127	126	138	510
1892 -	116	125	102	131	474
1893 -	128	113	111	136	488
	363	365	339	405	1472

b. Number of Sane Poor on Roll at 1st January.

1891. Number of Outdoor and Indoor Poor.		1892. Number of Outdoor and Indoor Poor.		1893. Number of Outdoor and Indoor Poor.		1894. Number of Outdoor and Indoor Poor.	
Outdoor.	Indoor.	Outdoor.	Indoor.	Outdoor.	Indoor.	Out-door.	In-door.
310	40	312	40	323	41	323	39

1891. Other Parish Poor Outdoor.	1892. Other Parish Poor Outdoor.	1893. Other Parish Poor Outdoor.	1894. Other Parish Poor Outdoor.
42	37	28	34

10. In arrears after 31st January.

11. Rate of assessment for poor per £ on owner—

1890-1.	1891-2.	1892-3.	1893-4.
7d. per £.	6½d. per £.	6½d. per £.	6d. per £.

12. Collected at 10th January—

1891.	1892.	1893.	1894.
£ 3,796	£ 3,295	£ 2,705	£ 3,379

13. Exempted—

KILMARNOCK.

1891.	1892.	1893.	1894.
1,020	959	950	Cannot say till after 30th June, but suppose there will be about the same number as last year.

Parochial Board Office,
17th January 1894.

JOHN REID,
Inspector, Kilmarnock.

PARISH OF RICCARTON.

Replies to Queries by Inspector of Poor.

1. No.
4. No.
7. None.
8. No.
9. Statistics :—

a. Number of Applications for Relief,
Year 1891.

1st January till 31st March.	1st April till 30th June.	1st July till 30th September.	1st October till 31st December.
16	14	18	14
Year 1892.			
15	20	16	22
Year 1893.			
26	22	21	26

b. Number of Sane Poor on Roll.
1st January 1891.

Number on outdoor roll and residing in parish	-	-	-	42
Number in poorhouse	-	-	-	9
Number of other parish poor chargeable in parish, outdoor	-	-	-	10
				<u>61</u>

1st January 1892.

Number on outdoor roll and residing in parish	-	-	-	38
Number in poorhouse	-	-	-	12
Number of other parish poor chargeable in parish, outdoor	-	-	-	13
				<u>63</u>

1st January 1893.

Number on outdoor roll and residing in parish	-	-	-	39
Number in poorhouse	-	-	-	15
Number of other parish poor chargeable in parish, outdoor	-	-	-	14
				<u>68</u>

Year 1894.

Number on outdoor roll and residing in parish	-	-	-	44
Number in poorhouse	-	-	-	16
Number of other parish poor chargeable in parish, outdoor	-	-	-	12
				<u>72</u>

10. 11th December.

11. Rate of assessment on owners—

1890-91.	1891-92.	1892-93.	1893-94.
6d. per £.	5d. per £.	5d. per £.	5d. per £.

12. Amount paid to 10th January—

1891.	1892.	1893.	1894.
£ 895	£ 607	£ 646	£ 735

13. Ratepayers exempted—

1891.	1892.	1893.	1894.
48	40	40	Appeals not yet disposed of.

17th January 1894.

C. S. REID,
Inspector of Poor for Riccarton.

HAWICK.

The staple trades—hosiery and tweed manufacture—as well as the building trades, have been very dull for some time. It is said that there are more honest workers—mill hands, masons, and labourers—idle this winter than there has been for 15 years. Mills are working short time. Nearly every winter the town council have had to consider the relief of unemployed. Last winter the labouring class suffered through lack of employment during the severe weather, but it is observed this winter that more of the better class working class have suffered through want of work in the mills and stocking factories. Mill hands earn from 10s. to 15s. a week. Female weavers from 15s. to 25s.

Hawick is situated partly in the parishes of Hawick and Wilton. There has been no increase in the number of applications for relief in the last three years. The numbers are—

1891.	1892.	1893.
372	303	298

But there has been a considerable increase in the numbers admitted to relief. The increase is chiefly in Hawick parish. The numbers at 1st January were—

1891.	1892.	1893.	1894.
178	184	178	215

an increase of over 2 per cent. in one year.

A register of unemployed men was opened at the police office on 11th December: 31 men applied at once and, up to 23rd January, 110 applied. Their cases were investigated by the inspectors of poor. Work was offered on the streets and town lands. Married men were paid 2s. a day, young men 1s. 6d. The money was raised by public subscription and the town council voted a contribution of 20d. out of the common good. In selecting men preference was given (a) to ratepayers and (b) to married men with families, and (c) to married men. An average of about 20 men a day have

been employed, the applicants having been given a few days' work in turns. An analysis of the applicants shows that—

HAWICK.

33 were respectable married men with families.

43 were single, or married with no families.

34, or 31 per cent., were doubtful, dissolute, or loafers.

110

Tickets have also been distributed for coals, provisions, and soup among the destitute. A "provision" ticket is of the value of 2s., and a soup ticket entitles the bearer to receive at a restaurant a basin of soup and bread or a cup of coffee and bread. The tickets were given chiefly by the inspectors of poor. The inspector of Hawick thus analyses the recipients of 97 provision and coal tickets issued by him:—

Charitable.

Respectable skilled workmen	-	-	11
Respectable labourers -	-	-	10
Dissolute -	-	-	31
Doubtful -	-	-	10
Not known	-	-	35
			97

HAWICK PARISH.

Replies to Queries by Inspector of Poor.

1. There was an increase up to the time when the magistrates opened a relief fund.
2. They were dealt with in the ordinary way.
3. Distress has never been so general during last 14 years as least.
4. No.
6. Nothing more than what is being done by the magistrates.
7. Classes of ablebodied applying :—
 - a. Respectable skilled workers. None now.
 - b. Respectable labourers. Do.
 - c. Dissolute. Do.

8. The inspectors of poor, at the instance of the magistrates, have, since the beginning of December last, assisted in the administration of the funds for the unemployed, and have been the parties authorised to distribute tickets for provisions, coals, and soup to the destitute and deserving poor.

9. Statistics—

a. Number of applications.

Year.	1st January to 31st March.	1st April to 30th June.	1st July to 30th September.	1st October to 31st December.	Total.
1891	86	90	77	72	325
1892	66	63	67	67	263
1893	61	48	53	87	249

b. Number of sane poor chargeable to parish at 1st January.

	1891.	1892.	1893.	1894.
Paupers - - - - -	84	91	94	123
Dependants - - - - -	70	63	41	74
Total - - - - -	154	154	135	197
Number on outdoor roll, paupers - - - - -	69	77	76	97
„ „ dependants - - - - -	65	60	38	70
Total - - - - -	134	137	114	167
Number in poorhouse, paupers - - - - -	15	14	18	26
„ „ dependants - - - - -	5	3	3	4
Total - - - - -	20	17	21	30
Number of other parish paupers, chargeable in parish, outdoor - - - - -	25	28	26	29
Number of dependants of such - - - - -	38	24	47	44
Total - - - - -	63	52	73	73

10. Date when assessment for poor due—
11th November.

11. Rate of assessment for poor per £ on owner—

	1890-1.	1891-2.	1892-3.	1893-4.
	<i>d.</i> 4½	<i>d.</i> 4½	<i>d.</i> 5	<i>d.</i> 5

12. Amount paid as at 18th January—

	1891.	1892.	1893.	1894.
	£ 1,094	£ 1,210	£ 1,465	£ 1,560

13. Number of ratepayers exempted same four years—

	1891.	1892.	1893.	1894.
	49	61	60	64

WILTON PARISH.

9. Statistics:—

Number of Applications for Relief in Years 1891, 1892, 1893, for Four Quarters in each year.

Year.	1st January to 31st March.	1st April to 30th June.	1st July to 30th September.	1st October to 31st December.
1891	13	13	6	15
1892	15	8	10	6
1893	12	11	10	16

Number of Sane Poor chargeable to Parish at 1st January.

	1891.	1892.	1893.	1894.
Number on outdoor roll	43	39	37	40
Dependants	59	64	54	44
Total	102	93	88	84
Number in poorhouse	9	10	6	1
Dependants	0	0	1	1
Total	9	10	7	2
Number of other parish poor	17	16	16	16
Dependants	28	28	28	28
Total	45	44	44	44

GALASHIELS.

GALASHIELS
(17,867)

The staple industry, tweed manufacture, is said to have been more depressed during the present winter than in any winter for 15 years. Most of the mills have been on short time since October, and the prospects are not bright, but one large mill is to be put at once on full time. Females are chiefly employed at the mills. Girls earn from 10s. to 15s. a week, and in busy times, 20s.; boys earn 6s. to 7s. a week; all unskilled men about 18s.

There has been a slight increase in the number of applications for relief and persons admitted to the relief fund, probably to be attributed more to the readjustment of the parish boundaries by the boundary commissioners than to dulness of trade. There has only been one application by an able-bodied man, and it was refused.

The number of applications has been during—

1891.	1892.	1893.
739*	277	332

* The year after readjustment of boundaries, and the shutting up of a lodging-house by Melrose parish.

and the number of poor chargeable in Galashiels at 1st January was—

1891.	1892.	1893.	1894.
87	105	108	122

The Police Commissioners have no funds which can be used in relief of destitute unemployed, except a small sum derived from ground used occasionally by shows, booths, &c. Municipal.

An unemployed fund has been in existence for four or five years. The money is raised by voluntary subscription, concerts, &c. Applications for aid are received by the superintendent of police, who, either himself, or a member of committee, investigates each case. Recipients of parochial relief are not admitted to participation. Relief is given in provisions and coals. The operations began this year on 9th January 1894, and the committee had then on hand a balance of about 100*l*. There have been many more applications this year than in former years. In previous years the applications were chiefly from out-door labourers; this winter there have been as many applications from mill-hands as from labourers. Up to end February about 50 persons had been relieved from this fund, some of them two or three times. Some of these are people who are always in destitution, and who would require relief in July as much as in January, but many are really deserving cases. In addition to this distribution a soup kitchen was opened on 17th January. It is principally maintained by contributions of meat and vegetables from shopkeepers and farmers. The applicants are 60 to 70 per cent. in excess of last year. On the opening day 121 were assisted, on the second day 236, on the third day 265, and on 1st February, 250. About 30*l*. has been added to the unemployed fund this year, and if more money is required, a further appeal will be made to the public. Charitable fund.

PARISH OF GALASHIELS.

Replies to Queries by Inspector of Poor.

1. Slight increase.
2. Ordinary method as yet.
3. Should the dulness of trade continue, additional demands may be anticipated.
4. Yes, but not a very large increase.
5. Do not expect any difficulty in meeting demands.
6. Not unless the depression continues unusually long.

7.—a. No.

b.

c. Do.

8. No communication with burgh officials and charitable organisations, but information is freely exchanged by the superintendent, &c. of applicants.

Number of persons for relief—

Quarter.	1891.	1892.	1893.
- - - -	207	85	89
- - - -	180	63	75
- - - -	213	73	78
- - - -	139	56	90
- - - -	739	277	332

HAWICK.

10. Date when assessment for poor due—
11th November.

11. Rate of assessment for poor per £ on owner—

	1890-1.	1891-2.	1892-3.	1893-4.	
	d. 4½	d. 4½	d. 5	d. 5	

12. Amount paid as at 18th January—

	1891.	1892.	1893.	1894.	
	£ 1,094	£ 1,210	£ 1,465	£ 1,555	

13. Number of ratepayers exempted same four years—

	1891.	1892.	1893.	1894.	
	49	61	60	61	

WILTON PARISH.

9. Statistics:—

Number of Applications for Relief in Years 1891, 1892, 1893, for Four Quarters in each Year.

Year.	1st January to 31st March.	1st April to 30th June.	1st July to 30th September.	1st October to 31st December.	Total.
1891	13	13	6	15	47
1892	15	8	10	6	39
1893	12	11	10	16	49

Number of Sane Poor chargeable to Parish at 1st January.

		1891.	1892.	1893.	1894.
Number on outdoor roll	- - - - -	43	39	37	40
Dependants	- - - - -	59	54	51	41
Total	- - - - -	102	93	88	81
Number in poorhouse	- - - - -	9	10	6	7
Dependants	- - - - -	0	0	1	1
Total	- - - - -	9	10	7	8
Number of other parish poor	- - - - -	17	16	15	16
Dependants	- - - - -	28	28	12	11
Total	- - - - -	45	44	27	27

GALASHIELS.

GALASHIELS
(17,367)

The staple industry, tweed manufacture, is said to have been more depressed during the present winter than in any winter for 15 years. Most of the mills have been on short time since October, and the prospects are not bright, but one large mill is to be put at once on full time. Females are chiefly employed at the mills. Girls earn from 10s. to 15s. a week, and in busy times, 20s.; boys earn 6s. to 7s. a week; and unskilled men about 18s.

There has been a slight increase in the number of applications for relief and persons admitted to the roll, but this is probably to be attributed more to the readjustment of the parish boundaries by the boundary commissioners than to dulness of trade. There has only been one application by an able-bodied man, and he was refused.

The number of applications has been during—

	1891.	1892.	1893.
	739*	277	332

* The year after readjustment of boundaries, and the shutting up of a lodging-house by Melrose parish.

and the number of poor chargeable in Galashiels at 1st January was—

	1891.	1892.	1893.	1894.
	87	105	108	122

The Police Commissioners have no funds which can be used in relief of destitute unemployed, except a small sum derived from ground used occasionally by shows, booths, &c. Municipal.

An unemployed fund has been in existence for four or five years. The money is raised by voluntary subscription, concerts, &c. Applications for aid are received by the superintendent of police, who, either himself, or by member of committee, investigates each case. Recipients of parochial relief are not admitted to participation. Relief is given in provisions and coals. The operations began this year on 9th January 1894, and the committee had then on hand a balance of about 100*l*. There have been many more applications this year than in former years. In previous years the applications were chiefly from outdoor labourers; this winter there have been as many applications from mill-hands as from labourers. Up to 2nd February about 50 persons had been relieved from this fund, some of them two or three times. Some of these are people who are always in destitution, and who would require relief in July as much as in January, but many are really deserving cases. In addition to this distribution a soup kitchen was opened on 17th January. It is principally maintained by contributions of meat and vegetables from shopkeepers and farmers. The applicants are 60 to 70 per cent. in excess of last year. On the opening day 121 were assisted, on the second day 236, on the third day 265, and on 1st February, 250. About 30*l*. has been added to the unemployed fund this year, and if more money is required, a further appeal will be made to the public. Charitable fund.

PARISH OF GALASHIELS.

Replies to Queries by Inspector of Poor.

1. Slight increase.
2. Ordinary method as yet.
3. Should the dulness of trade continue, additional demands may be anticipated.
4. Yes, but not a very large increase.
5. Do not expect any difficulty in meeting demands.
6. Not unless the depression continues unusually long.
- 7.—a. None.
b. None.
c. One.
8. No fixed meetings with burgh officials and charitable organisations, but information is freely exchanged as to character, &c. of applicants.
9. Statistics—
(a.) Applications for relief—

Quarter.	1891.	1892.	1893.
1st January to 31st March	207	85	89
1st April to 30th June	180	63	75
1st July to 30th September	213	73	78
1st October to 31st December	139	56	90
Totals	739	277	332

(b.) Number of sane registered poor (without dependants) at 1st January—

	1891.	1892.	1893.	1894.
On outdoor roll - - - - -	62	67	67	76
In poorhouse - - - - -	8	11	13	12
Other parish poor, outdoor - - - - -	17	27	28	34
Totals - - - - -	87	105	108	122

10. Current assessment, due 4th December 1893.

11. Owners' rate of assessments for poor per £—

1890-91.	1891-92.	1892-93.	1893-94.
d. 3½	d. 3½	d. 3½	d. 5

12. Assessment paid as at 15th January—

1891.	1892.	1893.	1894.
£ 1,063	£ 1,440	£ 1,465	£ 1,973

13. Numbers of ratepayers exempted for—

1890-91.	1891-92.	1892-93.	1893-94.
110	207	195	178

2nd February 1894.

JOHN R. SKINNER,
Inspector.

DUMBARTON.

It is a curious fact that although Dumbarton is not affected by the trade disputes which are affecting other Clyde towns there has been exceptional distress, and it is the only place on the Clyde where relief works have been organised.

The destitution has not caused any material increase in demands for parochial relief, and no able-bodied skilled workers or respectable labourers have applied. There is practically no difference in the number of applications during the last three years.

1891.	1892.	1893.
269	265	268

and the number of cases chargeable in Dumbarton parish at 1st January were—

1891.	1892.	1893.	1894.
96	100	112	115

which shows an increase of nearly 20 per cent. in three years, but this increase is not attributed directly to want of employment.

DUMBARTON.

The Dumbarton Benevolent Society was instituted in 1878 to relieve necessitous cases not falling to be dealt with by the parochial board.

Charitable agency.

The managing committee is composed of the leading public officials, and representative tradesmen from public works, with whom are associated a number of ladies who take an interest in the poor. Each application is investigated by a member of committee, and a written report is presented to the next meeting of committee. The visitor can give immediate relief in an urgent case. As far as possible, work, digging and trenching, is found for each ablebodied applicant. The pay is 2s. a day, and each man has from three to five days' work a week. Where the man has a family, the children receive free dinner tickets. The society does not meet during the summer months, but owing to the dulness of trade in town the society has been kept exceptionally active since it began its winter operations on the 2nd November last. The applications for relief have been so numerous that special meetings have been held, and fresh cases are occurring daily. Up to last meeting 113 applications had been made for assistance, and on inquiry these were disposed of as follows:—48 persons received aid in goods or cash; 40 were provided with work, varying from three to five days per week, at 2s. per day; 24 were refused as being unworthy or unwilling to work, and 1 application was withdrawn. The subscriptions received up to date amount to 138*l.* 0*s.* 1*d.*, and as the expenditure is increasing week by week, and now reaches 12*l.* weekly, the sum in hand will soon be exhausted. The society also at last November term distributed 35*l.* amongst deserving poor persons to assist them to pay their rents.

The number of applications in the months of November and December were, in—

	1891.	1892.	1893.
	28	27	140

The managers consider that the society will be able to cope now, as it has done in the past, with a much more serious depression, and if the need arises there will be no difficulty in raising the necessary funds.

PARISH OF DUMBARTON.

Replies to Queries by Inspector of Poor.

1. Not as yet.
2. The Benevolent Society for Assisting Tradesmen and Labourers temporarily out of work gives each applicant three to five days' work per week at 2*s.* per day.
3. Not so bad as the winter of 1879, nor nearly so bad as the winter of 1886–7. No general distress as yet.
4. Yes, if shipbuilding contracts do not come in soon.
5. Not for a couple of months, as the above society will be able to cope with it.
6. Not beyond the operations of said society.
7. Classes of ablebodied applying?
 - a. Respectable skilled workers.—None.
 - b. Respectable labourers.—None.
 - c. Dissolute.—A few. Chiefly for medical relief to sick dependants.
8. Parochial officials, burgh officials, and town missionary do.
9. Statistics—

a. Number of applications in the years 1891, 1892, 1893 for quarters 1st January to 31st March, 1st April to 30th June, 1st July to 30th September, and 1st October to 31st December:

1891, quarter, 1st January to 31st March	-	-	-	74
„ 1st April to 30th June	-	-	-	78
„ 1st July to 30th September	-	-	-	46
„ 1st October to 31st December	-	-	-	71
				269
1892, quarter, 1st January to 31st March	-	-	-	77
„ 1st April to 30th June	-	-	-	68
„ 1st July to 30th September	-	-	-	48
„ 1st October to 31st December	-	-	-	72
				265

DUMFRIES.

1893, quarter, 1st January to 31st March	-	-	-	53
" 1st April to 30th June	-	-	-	69
" 1st July to 30th September	-	-	-	74
" 1st October to 31st December	-	-	-	72
				268

b. Number of sane poor chargeable to parish at 1st January 1891, 1892, 1893, and 1894

" on outdoor roll.				
" in poorhouse.				
" of other parish poor chargeable in parish, outdoor.				
1891, 1st January.	Number on outdoor roll	-	-	71
	Dependants	-	-	127
" " "	in poorhouse	-	-	16
" " "	Dependants	-	-	5
" " "	of other parish poor chargeable, outdoor roll.			9
	Dependants	-	-	18
				246
1892, 1st January.	Number on outdoor roll	-	-	72
	Dependants	-	-	131
" " "	in poorhouse	-	-	15
" " "	Dependants	-	-	10
" " "	of other parish poor chargeable, outdoor roll.			13
	Dependants	-	-	23
				264
1893, 1st January.	Number on outdoor roll	-	-	85
	Dependants	-	-	154
" " "	in poorhouse	-	-	12
" " "	Dependants	-	-	4
" " "	of other parish poor chargeable, outdoor roll.			15
	Dependants	-	-	27
				297
1894, 1st January.	Number on outdoor roll	-	-	90
	Dependants	-	-	138
" " "	in poorhouse	-	-	12
" " "	Dependants	-	-	4
" " "	of other parish poor chargeable, outdoor roll.			13
	Dependants	-	-	26
				283

10. Date when assessment is due.—Last Friday of November, yearly.

11. Rate of assessment for poor on owner—

1890-91.	1891-92.	1892-93.	1893-94.
3½d. per £	4d. per £	4½d. per £	4½d. per £

12. Amount paid as at 15th January—

1891.	1892.	1893.	1894.
£ 870	£ 1,124	£ 1,362	£ 1,385

13. Number of ratepayers exempted same four years—

DUMBARTON.

1891.	1892.	1893.	1894.
152	154	156	163 (approximately)

JAMES MACDONALD,
Inspector of Poor,

Dumbarton, 19th January 1894.

DUMBARTON BENEVOLENT SOCIETY.

The Dumbarton Benevolent Society was instituted in the year 1878 to relieve all necessitous cases arising in the burgh of Dumbarton, which might not properly fall to be dealt with by the parochial board. Its management committee is composed of the leading public officials of Dumbarton, along with whom are associated a number of ladies who take an interest in the poor, as well as representative tradesmen from the various public works in town. The society is worked entirely free of cost. The secretary is editor of the "Dumbarton Herald," and can be seen by applicants at any time during business hours. The treasurer is Mr. James MacDonald, inspector of poor. The chief constable of the burgh is also a very active member, as well as the town missionary. The meetings are held monthly during the winter, but when necessity arises they are held more frequently, and, if need be, also during the summer. The mode of procedure may be described as follows:—Applicants for relief are supplied with an inquiry note, either from a member of the society who, of course, must be a contributor to the funds, or from the secretary. The inquiry note is sent to a member of committee, who at once makes a personal visitation and investigation, and, if the case be found urgent, is empowered to grant immediate relief either in cash or in goods. A written report upon a special form is presented to the first meeting of committee, and the case is then dealt with as the committee may think best. The society is unsectarian, and with the view of this being strictly carried out clergymen have hitherto had no share in the deliberations of the committee. As far as possible, for all able-bodied men who make application relief work is found, and the rate of pay is fixed at 2s. per day, each man receiving from three to five days' work per week. He is allowed the other days in order to look for work. Where any doubt exists as to the respectability of applicants, money is never given, relief being confined to goods, and a special relief note which specifies the articles that are to be supplied. In cases where there are large families, and relief work is supplied to the father, the children are supplied by the society with free tickets for dinners. The society also, at the half-yearly terms of Whitsunday and Martinmas, spends from 30*l.* to 40*l.* each term in assisting respectable poor people to pay their rents. With regard to the queries I beg to annex the following answers:—

Charity
Organisation.

1. Yes. The number of applications since the society started operations for the winter in November has been steadily increasing, but at present, however, the demand seems somewhat to have abated.

2. As far as possible able-bodied men are supplied with work. In cases of sickness, and in cases of poor women, relief is offered in cash or goods. Tickets are supplied to children for free dinners. Two ladies in the town have also supplied about 50 families with boots and shoes.

3. At present the outlook so far as regards trade is rather gloomy, and the writer was assured quite recently by one of the leading employers of labour in Dumbarton, that matters would probably be worse before they could be better. Dumbarton is fortunate in not having had a trade dispute for the last 25 years, and the best relations exist between employers and workmen.

4. No. The Messrs. Denny, shipbuilders here, have arranged to employ their idle workmen in breaking up an old steamer, which will give employment to about 100 men.

5. No. The Benevolent Society in the winter 1886–87 coped with a very much more serious depression than exists in Dumbarton at present, and the society does not anticipate there will be any difficulty, if the need arises, in getting sufficient funds.

6. For answer to this, see statistics and previous queries.

7. The class of persons applying are chiefly able-bodied labourers. Very few respectable skilled workers have as yet made application.

8. Yes.

9. Statistics:—

Date.	Number of Applications.	How disposed of.				
		Relieved in Cash or Goods.	Work	Refused.	Withdrew Application.	Total.
1891.						
1st January to 31st March - -	30	30	—	—	—	30
1st April to 15th May - - -	20	19	—	1	—	20
1st November to 31st December -	28	25	—	3	—	28
1892.						
1st January to 31st March - -	32	26	—	6	—	32
1st April to 14th May - - -	13	12	—	1	—	13
1st November to 31st December -	27	18	4	5	—	27
1893.						
1st January to 31st March - -	24	20	—	4	—	24
1st April to 14th May - - -	11	11	—	—	—	11
1st November to 31st December -	140	52	62	26	1	140

Note.—The society does not meet during the summer months, but devolves its duties upon a sub-committee, who attend to all urgent cases which may arise, and regarding which they report annually to the meeting in November.

WILLIAM THOMSON,
Secretary.

CLYDEBANK.

CLYDEBANK
(10,014).

The industries here are shipbuilding and the Singer Sewing-machine Manufactory. The destitution which has existed this winter is almost entirely due to the dispute between the shipbuilders and the joiners, which has caused many labourers and other workmen connected with shipbuilding to be thrown out of employment.

Municipal.

Since the 18th December the commissioners have been employing about 90 men, mostly labourers and ironworkers, in widening footpaths and repairing roads. They are employed for six days a week, and receive 2s. a day. The largest number employed on one day was 95. On 17th January only 40 were at work. The cost is to be paid out of the local taxation grant, which the commissioners agreed to devote to this purpose. 160l. had been paid in wages up to 17th January, and the funds would permit of the work being carried on for another month. Married ratepayers, or those with mothers to support, have had preference over single men and lodgers.

Charitable.

In December a public meeting was called by the provost for the purpose of organising a fund to assist the families of the unemployed, widows who had lodgers, &c. Over 200l. was raised by subscription. The town was divided into wards, and a house to house visitation was made by members of a committee appointed for this purpose, and the names of the committee were advertised weekly in local paper, so that personal application could be made to any member. Relief was given by ticket for provisions. About 70l. was raised as a fund for providing free dinners for children attending school. About 1l. per day is spent in giving a basin of soup and a piece of bread to over 200 children.

Men on strike are not relieved from any of the funds.

W I N E S I M P O R T E D .

RETURN to an Order of the Honourable The House of Commons,
dated 19 March 1894;—*for*,

RETURN “ of Statistics giving, Degree by Degree, the Strengths of WINES
IMPORTED into this Country during the Years 1891, 1892, and 1893.”

Treasury Chambers, }
25 April 1894. }

JOHN T. HIBBERT.

(*Sir Frederick Seager Hunt.*)

Ordered, by The House of Commons, to be Printed,
2 May 1894.

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STATEMENT showing the QUANTITY of WINE at the under-mentioned DEGREES of
Germany, Holland, Italy,

	8 Degrees and under	9 Degrees.	10 Degrees.	11 Degrees.	12 Degrees.	13 Degrees.	14 Degrees.	15 Degrees.	16 Degrees.	17 Degrees.
	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
Spain	-	56	28	2,229	211	27	646	6,671	4,157	34,995
Portugal	-	-	-	-	142	-	-	68	994	10,232
Madeira	-	-	-	-	-	-	-	-	-	-
France	1,632	1,241	214	3,728	2,313	23,595	128,223	455,427	522,544	424,592
Germany	-	-	98	84	62	354	9,113	19,387	11,466	18,459
Holland	-	-	563	53	420	770	3,706	18,140	19,573	30,628
Italy	-	162	54	81	108	54	308	5,447	10,249	8,222
Australasia	-	-	-	-	-	-	-	-	-	354
Other Countries	19	27	170	210	686	3,061	3,209	8,993	3,644	3,496
Total	1,652	1,430	1,136	6,385	3,942	27,571	145,255	512,243	554,527	556,688

	31 Degrees.	32 Degrees.	33 Degrees.	34 Degrees.	35 Degrees.	36 Degrees.
	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
Spain	93,346	228,283	362,459	443,969	280,957	212,493
Portugal	3,0983	126,835	249,191	433,510	1,1709	1,009,215
Madeira	19,547	18,765	17,749	11,330	6,639	2,377
France	994	1,278	2,091	1,814	1,446	895
Germany	2,185	2,689	3,888	6,497	18,569	55,025
Holland	30	58	143	1,110	58	495
Italy	24,000	84,703	38,806	23,200	22,388	6,598
Australasia	217	79	203	232	163	116
Other Countries	2,233	3,945	2,396	4,829	3,467	2,633
Total	160,261	442,746	676,298	946,771	1,243,416	1,239,558

STRENGTH, imported in CASK, during the Year 1891, from *Spain, Portugal, Madeira, France, Australasia*, and other Countries.

18 Degrees.	19 Degrees.	20 Degrees.	21 Degrees.	22 Degrees.	23 Degrees.	24 Degrees.	25 Degrees.	26 Degrees.	27 Degrees.	28 Degrees.	29 Degrees.	30 Degrees.	TOTAL Not Exceeding 30 Degrees.
Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
26,925	39,685	6,252	5,580	14,791	38,956	53,085	81,910	345,172	556,689	513,680	490,971	43,462	2,265,174
6,393	4,254	5,190	1,503	1,964	1,174	1,515	3,370	8,893	18,429	29,734	51,745	8,565	154,105
-	-	-	-	946	303	-	173	431	2,292	5,303	2,319	258	12,025
562,327	251,447	176,240	138,889	136,260	95,924	76,913	16,873	28,636	9,899	2,375	3,045	263	3,847,106
6,431	24,412	16,536	6,724	2,043	622	1,928	1,550	4,265	24,728	106,163	131,106	16,154	401,787
28,523	15,327	9,578	2,426	1,411	348	174	843	1,094	3,722	1,911	29	-	139,244
21,536	44,605	23,147	13,197	11,632	6,340	16,238	10,538	2,483	15,951	64,727	43,093	4,042	302,964
5,061	8,929	13,169	11,916	72,539	110,770	74,486	30,266	33,517	6,943	3,479	1,131	843	373,408
16,924	17,396	43,000	6,287	22,663	16,683	9,427	11,847	17,958	4,209	4,001	7,012	444	202,776
675,120	406,055	293,112	186,328	264,249	271,120	233,781	157,375	442,449	642,862	731,373	730,451	74,036	7,698,589

37 Degrees.	38 Degrees.	39 Degrees.	40 Degrees.	41 Degrees.	42 Degrees and upwards.	Untested.	TOTAL Exceeding 30 Degrees.	GRAND TOTAL.
Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
125,135	84,289	38,225	5,003	1,829	603	379	1,786,400	4,051,574
682,480	462,647	131,563	34,336	3,971	994	56	4,171,250	4,325,355
1,714	335	43	43	-	-	-	69,362	81,387
485	242	47	-	-	-	218	8,520	8,855,626
35,667	44,410	11,408	3,933	1,150	-	5	165,317	657,104
1,785	230	345	-	-	-	6	4,178	143,417
1,200	3,041	1,198	875	324	54	16	211,079	514,043
174	203	-	87	-	-	-	1,474	374,882
987	368	128	-	23	64	146	19,319	222,095
849,677	595,765	182,957	44,277	7,297	1,715	826	6,426,894	14,125,483

Quantity of Wine Imported in Casks - - - - - Gallons.
 " " Bottles - - - - - 14,125,483
 " " " " " " " " " " " " " " 2,657,148
 Total Quantity of Wine Imported - - - 16,782,631

T. J. Pittar,
Principal of Statistical Office.

STATEMENT showing the QUANTITY of WINE at the under-mentioned DEGREES of
Germany, Holland, Italy,

	8 Degrees and under	9 Degrees	10 Degrees	11 Degrees	12 Degrees	13 Degrees	14 Degrees	15 Degrees	16 Degrees	17 Degrees
	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
Spain	198	124	194	167	932	287	791	230	840	210000
Portugal	-	-	-	-	59	8	-	18	440	4080
Madeira	-	-	-	-	-	-	48	-	57	-
France	94	23	131	4067	4956	32313	100019	283548	618188	882580
Germany	-	-	110	52	205	213	1306	2509	3750	2508
Holland	-	-	65	82	603	1977	5639	11718	20956	37379
Italy	85	-	103	216	917	755	6786	7665	10080	21500
Australasia	-	-	-	-	-	-	-	187	979	600
Other Countries	-	14	767	102	301	1800	11211	5290	8510	8071
TOTAL	287	161	1405	4736	8503	37143	125880	316753	600000	952281

	31 Degrees.	32 Degrees.	33 Degrees.	34 Degrees.	35 Degrees.	36 Degrees.
	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
Spain	95859	213367	286939	257056	264384	170002
Portugal	29133	67423	227505	687525	1094920	141530
Madeira	9504	17310	12724	2474	3471	1520
France	656	2632	664	403	2448	115
Germany	1923	2412	1077	1580	8405	26147
Holland	23	139	8	557	116	52
Italy	15053	59085	32515	18389	18011	6686
Australasia	457	1367	136	299	102	351
Other Countries	2213	4342	7000	2880	5106	1529
TOTAL	132697	368815	572185	950908	1,338,792	1,551,373

STRENGTH, Imported in CASK, during the Year 1892, from *Spain, Portugal, Madeira, France, Australasia*, and other Countries.

18 Degrees.	19 Degrees.	20 Degrees.	21 Degrees.	22 Degrees.	23 Degrees.	24 Degrees.	25 Degrees.	26 Degrees.	27 Degrees.	28 Degrees.	29 Degrees.	30 Degrees.	TOTAL Not Exceeding 30 Degrees.
<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>
22,737	45,435	17,001	6,685	26,711	25,780	44,945	93,764	217,149	346,092	574,020	640,995	100,530	2,186,542
5,537	1,044	2,155	2,383	2,543	3,052	1,967	1,881	2,100	5,994	29,269	61,216	12,069	135,846
-	-	-	93	464	1,381	532	1,390	12,045	2,545	5,483	1,560	1,346	26,944
766,559	357,212	256,924	183,501	130,376	89,183	60,029	21,797	7,182	11,947	3,808	2,602	341	3,773,660
4,879	8,253	1,819	1,028	875	183	93	1,205	10,894	34,728	90,940	122,726	29,737	319,356
24,887	18,204	5,431	2,854	741	95	117	1,373	734	1,010	929	1,832	330	144,006
33,469	30,554	64,007	25,606	27,225	28,732	2,911	11,131	18,684	4,829	40,138	24,324	10,988	378,019
9,651	18,301	32,262	91,184	148,382	69,086	48,582	15,267	8,752	9,004	2,439	696	153	455,589
8,517	15,089	31,964	13,959	19,627	6,909	3,994	11,954	4,297	24,584	17,584	10,845	4,163	214,119
876,226	494,092	411,563	283,295	356,944	224,401	170,170	159,762	281,837	440,733	764,610	866,796	159,627	7,634,081

37 Degrees.	38 Degrees.	39 Degrees.	40 Degrees.	41 Degrees.	42 Degrees and upwards.	Untested.	TOTAL Exceeding 30 Degrees.	GRAND TOTAL.
<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>
121,519	64,811	35,223	4,094	3,285	466	144	1,526,598	3,713,140
923,987	807,239	415,824	72,827	19,227	35,118	9	5,411,966	5,547,812
861	745	124	-	-	-	5	54,041	80,985
358	-	-	-	-	-	632	7,608	3,781,268
32,128	39,903	24,563	1,857	576	-	3	139,870	459,226
240	262	115	-	-	-	7	1,519	145,525
1,884	2,516	3,138	693	109	-	7	159,647	537,666
-	-	116	-	-	-	-	2,738	458,327
1,287	299	58	21	-	7	291	26,184	240,303
1,082,264	915,775	479,161	79,492	23,197	35,591	1,093	7,330,171	14,964,252

Quantity of Wine Imported in Casks - - - - - Gallons.
 " " Bottles - - - - - 14,964,252
 2,355,225
 Total Quantity of Wine Imported - - - 17,319,477

T. J. Pittar,
Principal of Statistical Office.

STATEMENT showing the QUANTITY of WINE at the under-mentioned DEGREES of
Germany, Holland, Italy,

	8 Degrees and under.	9 Degrees.	10 Degrees.	11 Degrees.	12 Degrees.	13 Degrees.	14 Degrees.	15 Degrees.	16 Degrees.	17 Degrees.
	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
Spain - - - - -	110	148	243	511	674	125	584	10245	800	6021
Portugal - - - - -	-	-	-	-	-	-	-	18	286	758
Madeira - - - - -	-	-	-	-	-	-	-	-	77	-
France - - - - -	-	8	318	1,771	9,440	17,931	67,474	100,132	702,143	821,482
Germany - - - - -	-	-	80	87	-	61	500	5,307	3,524	4,113
Holland - - - - -	-	-	122	345	313	1,100	4,422	10,425	31,710	36,983
Italy - - - - -	50	9	53	-	70	233	303	5,655	12,092	23,650
Australasia - - - - -	-	-	-	-	-	-	-	28	1,173	6,265
Other Countries - - - - -	111	-	11	116	144	560	2,487	6,808	22,507	13,717
TOTAL - - - - -	280	105	827	2,830	10,641	19,993	105,800	422,968	868,275	918,989

	31 Degrees.	32 Degrees.	33 Degrees.	34 Degrees.	35 Degrees.	36 Degrees.
	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
Spain - - - - -	80,266	185,655	281,533	272,416	208,829	155,481
Portugal - - - - -	24,041	94,247	355,549	637,820	677,354	638,193
Madeira - - - - -	5,423	9,604	12,544	3,056	1,483	468
France - - - - -	1,843	1,358	486	464	282	292
Germany - - - - -	1,100	4,672	1,721	4,503	5,447	20,442
Holland - - - - -	95	84	14	11	-	5
Italy - - - - -	27,285	60,196	37,468	23,410	14,439	5,404
Australasia - - - - -	500	294	280	1,172	205	400
Other Countries - - - - -	1,011	78,510	5,051	3,282	5,424	1,080
TOTAL - - - - -	138,154	364,502	684,955	947,006	922,743	796,805

Notes:—The quantities of wine imported into the United Kingdom from the above countries, and the quantities of wine imported into the United Kingdom from the above countries, are shown in the above statement. The quantities of wine imported into the United Kingdom from the above countries, and the quantities of wine imported into the United Kingdom from the above countries, are shown in the above statement. The quantities of wine imported into the United Kingdom from the above countries, and the quantities of wine imported into the United Kingdom from the above countries, are shown in the above statement.

STRENGTH, Imported in CASK during the Year 1893, from *Spain, Portugal, Madeira, France, Australasia*, and other Countries.

18 Degrees.	19 Degrees.	20 Degrees.	21 Degrees.	22 Degrees.	23 Degrees.	24 Degrees.	25 Degrees.	26 Degrees.	27 Degrees.	28 Degrees.	29 Degrees.	30 Degrees.	Total Not Exceeding 30 Degrees.
Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
6,901	31,754	17,817	8,855	18,150	37,616	68,125	132,382	246,041	458,119	654,399	487,034	41,309	2,221,996
1,073	902	824	1,418	1,909	1,203	1,979	2,645	10,030	19,457	37,774	36,285	7,447	124,038
-	-	-	38	11	3,389	1,052	209	504	8,830	14,854	5,213	539	34,766
603,092	410,830	211,268	137,294	121,506	73,803	23,199	19,612	10,217	9,740	2,399	749	213	3,769,511
3,997	3,803	3,153	948	606	125	660	11,556	42,527	61,760	80,489	63,795	6,235	283,675
26,651	19,508	4,931	5,194	717	73	2,411	466	701	2,323	310	32	-	148,770
21,105	16,347	35,123	16,132	14,697	8,199	4,354	3,776	3,676	16,322	32,523	30,347	5,806	249,261
20,792	32,557	76,612	111,974	131,259	64,206	59,651	27,415	5,656	6,088	3,303	475	56	547,511
13,655	11,722	47,168	23,493	9,127	16,888	8,048	4,669	4,149	2,069	4,345	2,046	328	198,226
697,266	527,423	396,896	304,346	297,982	205,500	174,479	202,730	323,501	584,758	830,396	615,976	61,733	7,577,754

37 Degrees.	38 Degrees.	39 Degrees.	40 Degrees.	41 Degrees.	42 Degrees and upwards.	Untested.	Total exceeding 30 Degrees.	GRAND TOTAL.
Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
68,851	40,609	17,709	6,133	2,326	371	57	1,320,326	3,542,322
380,382	165,302	60,761	8,026	1,404	280	19	3,044,278	3,168,316
468	208	133	46	-	-	-	34,393	69,159
48	-	-	4,790	-	-	36	9,099	3,778,610
28,268	24,971	14,989	2,947	171	-	1	109,389	393,064
-	-	26	232	-	-	-	467	149,237
196	847	1,175	-	-	-	11	163,943	413,204
528	306	439	-	-	-	-	5,455	552,966
417	422	1,010	278	-	-	144	27,401	225,627
479,168	232,665	96,242	22,452	3,901	651	268	4,714,751	12,292,505

Quantity of Wine Imported in Casks - - - - - Gallons.
 " " Bottles - - - - - 12,232,505
 2,382,696
 Total Quantity of Wine Imported - - - 14,675,201

T. J. Pittar,
Principal of Statistical Office.

WINES IMPORTED.

RETURN of Statistics giving, Degree by Degree,
the Strengths of Wines Imported into this
Country during the Years 1891, 1892, and 1893

(*Sir Frederick Seager Hunt.*)

*Ordered, by The House of Commons, to be Printed,
2 May 1894.*

[*Price 1d.*]

WOOLWICH ARSENAL (INJURY PAY).

RETURN to an Order of the Honourable The House of Commons
dated 12 January 1894 ;—*for*,

RETURN “of the RULES under which INJURY PAY is granted in WOOLWICH
ARSENAL, and any other GOVERNMENT ESTABLISHMENTS, to Workmen
who are Injured from any Cause.”

Treasury Chambers, }
12 March 1894. }

JOHN T. HIBBERT.

(*Mr. Walter M'Laren.*)

Ordered, by The House of Commons, to be Printed,
14 March 1894.

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RETURN of the RULES under which INJURY PAY is granted in WOOLWICH ARSENAL, and any other GOVERNMENT ESTABLISMENTS, to Workmen who are Injured from any Cause.

I.—ADMIRALTY.

EXTRACTS from the Regulations in regard to the Pay of Workmen when Injured whilst on Duty in any of Her Majesty's Naval Establishments.

1.—HER MAJESTY'S DOCKYARDS.

WHEN any person belonging to the Yard, whether on salary or day pay, receives an injury in the performance of his duty, he is immediately to make it known to the medical officer; and if he does not do so, he shall forfeit any claim which he might otherwise have had to compensation for the injury.

Any person on day pay omitting to report himself immediately after he has received an injury, shall be placed on the Sick List, instead of on the Hurt List, and thus lose the benefit of half pay.

A notice to the above effect is to be kept hung up at the surgery and at such other places in the Yard as the superintendent may direct.

Any person making a false statement as to his receiving a hurt in the execution of his duty will be immediately dismissed.

If men employed in cleaning and painting the double bottoms of ships, or working in confined places, should in any case be compelled to give up their work through illness caused by such employment, they are to be placed on the hurt list, and receive half pay.

Half pay is to be granted generally to workmen in the Yard, under medical certificate, in cases of illness caused by lead poisoning.

The medical officer is to keep a surgery hurt book, in which are to be entered the names and qualities of all persons injured in the Yard, the nature of their injuries, the time when received, the dates of their respective entries on the list, and of their discharge therefrom, but no person is to be entered therein until a note, certifying that the hurt has been actually received in the execution of such person's duty, has been sent to the medical officer from the chief officer or officers under whom he was employed at the time of the accident.

Such injured persons as may be able to attend at the surgery, are to be dressed there by the medical officer, or his assistant, every day between the hours of nine and ten in the forenoon, and to have such medicines and treatment administered to them as their several cases may require; but patients who are not able to attend are to be visited by the medical officer, or his assistant, at their homes, if within two miles of the Dockyard, daily, or as often as he may judge it necessary; and he is to continue the care of them to the best of his ability until they are cured or discharged.

Medical attendance upon workmen belonging to Pembroke Yard is to be extended to a limit within three miles of the Dockyard gates.

If it should be discovered that a person reporting himself too ill to attend at the surgery as herein directed, has left his home for business or pleasure, he will be checked or discharged.

Whenever

Whenever any person belonging to the yard receives a rupture while in the performance of his duty, which is to be certified by the officer of the department to which the person may belong, the medical officer is to supply him with a proper truss ; and he is to keep a list of all persons so ruptured, together with a particular account of the circumstances of each case, and of the time it happened. A truss is not to be issued to the same person oftener than once in five years, and then only if the old truss be not repairable.

Persons receiving ruptures in the performance of their duty.

Every issue of a truss is to be immediately reported to the Director General by letter, giving the name and rating of the injured person, and the date of the preceding issue (if any) ; and if a first issue, the circumstances under which the rupture was received.

Surgical and medical attendance and medicines are to be given by the medical officer to the Metropolitan police force doing duty in the Dockyard, and to the masters, mates, and crews of yard craft ; and in cases of severe accident, or when any of the men may be so ill as to require hospital treatment, the medical officer is to send them to the Naval Hospital at the port.

Surgical and medical treatment of police and Yard craft men.

Surgical and medical aid is also to be given by the medical officer to men doing any contract work within the Yard, until such time as proper aid can be provided by the contractor.

Contractors' men.

Payment of Funeral Expenses.

In the event of an officer or any person belonging to the Yard being killed by an injury received in the execution of his duty, or dying in consequence of such injury, the coffin shall be provided at the public expense, or, at the discretion of the Superintendent, its Rate Book Value allowed, and a payment shall also be made not exceeding 10*l.* in the case of an officer, nor 6*l.* in the case of a workman, towards the necessary expenses for actual interment and other strictly funeral charges. The certificate of the medical officer and the undertaker's bill should accompany the voucher for the payment.

Funeral expenses of persons dying from injuries received on duty.

On the death of any person belonging to the dockyard whose case is ascertained by inquiry to fall within the regulations contained in this article, the Superintendent will authorise the cashier to make such payment (within the prescribed limits) as under the circumstances he may deem appropriate, the payment being supported by the requisite vouchers.

Payments to Workpeople Injured on Duty.

Any person on day-pay who may be hurt in the execution of his duty, is to be allowed a full day's pay (whether obliged to leave the yard or not) for the day on which he is hurt, or ordered by the medical officer to leave the yard in consequence of a hurt previously received on duty, and is to be allowed half-day pay at the rate of the class to which he belongs, or, if temporarily acting at a higher rate of pay, half the rate of day-pay of which he was actually in receipt at the time he received the injury, from the day on which he is sent out of the yard until he returns to duty, or for so long as he may remain in a naval hospital or under the care of the medical officer of the yard after his return home from hospital. Provided always, that he has complied with the rules and the instructions of the medical officer, and the regulations relating to absentees on account of hurts.

Pay of men on the hurt list.

When the pay of any class of workpeople has been increased, those persons on the Hurt List at the time, who would otherwise have been included in the increase of pay, are to participate in the increase.

Men on hurt list to participate in general increase of pay.

Men temporarily hired for clearing vessels arriving with coals, or for loading or unloading vessels with stores, and who may be injured in the performance of their work, are not to be paid half-pay while hurt without special authority from the Admiralty ; under some circumstances, the payment of half-pay may be authorised by the Admiralty in these cases as an act of grace, but not as a right.

Men temporarily hired.

Men of Works
Department.

When a man employed in the Works Department shall receive, in the performance of his duty, a hurt of such a character as temporarily to disable him, he may be allowed half wages while so disabled, provided that such allowance shall not extend beyond three months without special authority.

Every case involving payment to men off work is to be reported to the Director of Works in a list to accompany the Quarterly Account of Cash Payments for Works, showing the date of, and nature of the injury, the amount paid, and the date of return to duty.

Payment for closed
days.

In the case of payments for closed days to men who may be placed on the Hurt List at any time during a period when time is being worked up, (a) when the whole time for one day has been worked up, one day's pay is to be granted, (b) when a portion of the time has been worked up, full wages for the portion worked up, and half wages for the remaining portion.

Not more than an ordinary day's pay is to be granted for the day on which a man is placed on the Hurt List, even though a portion of the time for the closed day has been worked up by him on the day of his injury.

General Rules relative to Persons Injured or Sick.

Subordinate officers
to report absentees
from sickness, and
their return to
duty.

The Subordinate Officers are in all cases to make known to the principal officer of their Department the absence of workpeople from sickness or hurts, and their return to duty when recovered.

No person to
remain on the list
of sick or hurt
longer than
necessary.
light duty.

No person shall be continued on the Sick or Hurt List any longer than is necessary, but shall be discharged therefrom so soon as he shall be considered by the Medical Officer to be sufficiently well to resume work.

No person is to be employed on light duty for the recovery of his strength except on the recommendation of the medical officer, approved by the superintendent.

Limit on recom-
mendations of men
for easy employ-
ment to recover
their strength.
Form No. 246.

Persons who, after being cured, may require time for the recovery of their strength, are to be recommended by the medical officer through the superintendent, to the principal officer of the Department to which they belong, for easy employment in the Yard, according to their respective Departments, as circumstances may require and admit; and the superintendent, if he should approve of the recommendation, will signify the same in writing on the medical officer's report to the principal officer of the Department; but no person is to be continued on the list for easy employment under these circumstances for a longer period than a month without the renewed sanction of the superintendent.

Iss tickets for
sick and hurt.

In the cases when sick or hurt persons on day pay are to pass out during the working hours of the Yard, the medical officer is to furnish each with a sick or hurt ticket (oval), which is to be brought by the persons to the cashier, who is to exchange it for a corresponding ticket (octagonal), which latter ticket the person is to give up to the police on passing out of the gate. Should the persons be too ill to attend to these rules themselves, the medical officer is to cause information to be communicated to the cashier.

Return to work
from sickness or
hurts.

Any person on day pay who may have been absent from sickness or hurt, and who may be found sufficiently well by the medical officer, is to be furnished with a "return ticket," which he is to take to the cashier prior to being allowed to resume work, and he is to report himself to his foreman, who is to be satisfied he has received the sanction of the medical officer, before he allows him to resume work. Any person who may resume his work without the knowledge and sanction of the medical officer, is to be checked a day's pay. Recovered persons are not to be allowed to return to duty in the afternoon, but always in the morning.

Workpeople absent
more than three
months to be
reported.

When any of the established workpeople shall be absent from the yard on account of sickness or hurts for more than three months, or when any of the hired workpeople shall be absent on account of hurts for a like period, the medical officer is to make a special report of the case to the superintendent, who is to refer the case to the Admiralty for decision, with a view to their further retention on the sick or hurt list should the medical officer consider there is a prospect

prospect of recovery, or to the discharge or superannuation of such person. Cases of hired workpeople with less than 20 years' service, absent on account of sickness for lengthened periods, are to be dealt with by the superintendent.

The medical officer is also to report in writing, to the superintendent, the case of any person who has become inefficient from injury or disease, and is incapable of any further duty, in order that such person may be recommended for pension or discharge, as circumstances may require.

Also all men
incapable of
further duty.

2.—HER MAJESTY'S VICTUALLING YARDS.

1. The Instructions contained in the Home Dockyard Regulations and Instructions for Naval Yards Abroad as to hurts, sickness, sick leave, abatements from pay, payments to workpeople injured on duty, and the general rules relative to persons injured or sick, are also applicable to Her Majesty's Victualling Yards.

2. In yards where there is no resident medical officer, the term "surgery" in the above-mentioned regulations is to be read as applying to the naval hospital at the port, and the term "medical officer" as applicable to the medical officer of the hospital who is detailed for victualling yard duty.

3. The police employed in the Royal Victoria Yard will be attended by their divisional surgeon.

4. Sick and hurt notes, on the prescribed forms, are to be used in all cases of sickness and injuries; and whenever men are sent to the medical officer of the hospital at the port, a conduct note, on the prescribed form, is to be sent with them.

3.—NAVAL MEDICAL ESTABLISHMENTS.

Should a person on the wages list of a medical establishment be injured on duty, he would be supplied with a truss free of charge, if ruptured, or if requiring further surgical treatment, he would be admitted as a patient into the wards and his pay regulated as follows, viz. :—

(1.) If "accidentally injured on duty" he would be paid full wages for the day injured, and half wages thenceforward until return to duty, or until discharged.

(2.) If "suffering from smallpox or other infectious disease of a grave character contracted on duty, or from injuries caused by delirious or "insane patients," he would be paid full wages until cured or discharged, if approved of in each case, otherwise half wages as at (1).

Subject in every case to any special local arrangement.

Should the person's death be directly attributable to the service, he would be buried at the public expense in a decent manner in the burial ground of the hospital.

II.—IRISH BOARD OF WORKS.

The following is the regulation governing the Injury Pay allowable to workmen in this department injured in the discharge of their duty, viz. :—

"Men absent in consequence of injuries received in the execution of their duty, or of sickness clearly attributable to the nature of their work, will be allowed full pay for three months if necessary."

III.—POST OFFICE.

RULES under which Injury Pay is granted to workmen who are injured from any cause.

Every workman injured by accident while in the discharge of his duty and without contributory negligence on his own part is, during absence supported by medical certificate, allowed full pay for a period not exceeding six months, and half pay for a further period of equal duration.

Where there has been contributory negligence, deductions from the foregoing rates are sometimes made according to the circumstances.

In the case of permanent disablement a compassionate allowance or gratuity is granted to the injured workman, and, in the case of death, to his widow or other relatives dependent upon him, under the provisions of Section 1 of the **Superannuation Act, 1887**.

The foregoing rules apply to both established and unestablished workmen.

IV.—WAR OFFICE.

RULES under which Injury Pay is granted in the Royal Ordnance Factories at Woolwich Arsenal and elsewhere to workmen who are injured from any cause.

EXTRACT from Rules and Regulations of the Ordnance Factories.

Rule 37.—Any man incapacitated from performing his work through an injury received whilst in execution of duty, or by sickness clearly attributable to the nature of his work, is allowed full pay for three months continuously, if necessary.

Under special circumstances a further extension will be allowed, if approved by the Director General of Ordnance Factories, on the Superintendent's recommendation.

Rule 38.—Any workman meeting with an injury in the execution of his duty, should report the circumstance to his foreman immediately, in order that a certificate, stating the nature and cause of the injury, may be prepared and forwarded to the medical officer. A neglect of this regulation may entail the forfeiture of all claim to Injury Pay, or consideration in consequence of such injury. Should an accident occur through negligence or disobedience of regulations, the sufferer if in fault, will not be allowed injury pay, sick pay, nor medical attendance, nor will he be recommended for compensation of any kind.

RULES under which Injury Pay is granted in Woolwich Arsenal, &c., to Civilian Subordinates of the Ordnance Store Department.

EXTRACT from Royal Warrant for Pay, &c., 1893.

Article 898. - Civilian subordinates who may be injured in the execution of their duty, or who may be incapacitated by sickness clearly attributable to the nature of their work, may, provided such injury or illness be duly certified by a medical officer, or in the absence of such officer by a duly qualified medical practitioner, remain in receipt of full pay for three months continuously, if necessary.

Article 901.—The periods for the issue of sick pay as provided under Article 898 may, subject to the approval of our Secretary of State, be exceeded under special circumstances ; and, in deserving cases, the vacancy may then be kept open as long as the exigencies of our Service will allow. The following shall be the rates of sick pay for civilian subordinates during an extension of sick leave under this Article :—

Civilian Subordinates referred to in Article 898. Three-fourths pay for three months, and half-pay for any further period for which sick pay may be granted.

INSPECTION DEPARTMENT.

The Rules governing the issue of Injury Pay to employees of the Ordnance Factories also apply to the Subordinates in the Inspection Department, except in the case of the General Stores Division in the Royal Dockyard, Woolwich, where the regulations in force for the Ordnance Store Department, Woolwich, guide such issues.

V.—OFFICE OF WORKS, ENGLAND.

Hurt Pay Rules.

Full pay for three months may be granted to an employé hurt or absent in consequence of sickness clearly attributable to the nature of his duties, provided there be reasonable ground for believing that he will be able to resume work ; if otherwise, the case is to be submitted to the Treasury, with a view to his being granted a gratuity:

Men whose regular and constant duty lies in the palm-houses and hot-houses at Kew Gardens, and in the Edinburgh Botanic Garden and Arboretum, may be paid full wages, without limit of service, when attacked by illness which is certified by the medical officer to be attributable to the nature of their employment.

WOOLWICH ARSENAL (INJURY PAY).

RETURN of the Rates under which Injury
Pay is granted in Woolwich Arsenal, and
any other Government Establishments, to
Workmen who are Injured from any Cause.

(*Mr. Walter M. Laren.*)

Ordered, by The House of Commons, to be Printed
14 March 1894.

[*Price 1 d.*]

ULTIMUS HÆRES (SCOTLAND) (ACCOUNT AND LIST
OF ESTATES).

RETURN to an Order of the Honourable The House of Commons,
dated 27 April 1894;—for,

COPY “ of RETURNS of ABSTRACT ACCOUNT of the RECEIPTS and
PAYMENTS of the QUEEN’S and LORD TREASURER’S REMEMBRANCER,
Scotland, in the Year ended the 31st day of December 1893, in the
Administration of ESTATES and TREASURE TROVE on behalf of the
CROWN; ”

“ And, of ALPHABETICAL LIST of ESTATES which fell to the CROWN as
ULTIMUS HÆRES in *Scotland*, administered by the QUEEN’S and LORD
TREASURER’S REMEMBRANCER, in the Year ended the 31st day of
December 1893.”

Treasury Chambers, }
26 April 1894. }

JOHN T. HIBBERT.

(*Sir John Hibbert.*)

Ordered, by The House of Commons, to be Printed,
27 April 1894.

LONDON:
PRINTED FOR HER MAJESTY’S STATIONERY OFFICE,
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ULTIMUS HÆRES ACCOUNT, 1893.

ABSTRACT ACCOUNT of Receipts and Payments of the Queen's and Lord Treasurer's Remembrancer in the Administration of Estates and Treasure Trove in Scotland, on behalf of the Crown, in the Year ended 31st December 1893.

RECEIPTS.				PAYMENTS.			
		Estates' Account.	Crown's Share Account.			Estates' Account.	Crown's Share Account.
		£. s. d.	£. s. d.			£. s. d.	£. s. d.
		TOTAL.				TOTAL.	
		£.	s. d.			£.	s. d.
Balances at beginning of Year	-	33,461	2 8	Amount paid in the Year for Debts and Expenses, &c., chargeable against Estates	-	3,417	9 2
Amount received in respect of Estates	-	13,146	4 1	Amount paid on Account of Grants out of Estates	-	5,151	6 2
Transfers to Estates' Account from Crown's Share Account (as <i>per contra</i>)	-	615	9 2	Transfers from Estates' Account to Crown's Share Account	-	16,688	- 10
Transfers from Estates' Account to Crown's Share Account (as <i>per contra</i>)	-	-	-	Fees paid to Vote for Treasury and Subordinate Departments	-	192	6 -
				Transfers to Estates' Account from Crown's Share Account	-	-	-
				Amount paid to Auditor	-	-	615 9 2
				Treasure Trove	-	-	25 - -
				Expenses of Transfer of Agency	-	-	28 18 6
				Balances at the close of the Year	-	21,773	13 9
£.	47,222	15 11	29,801	£.	47,222	15 11	29,801
			18 7				18 7
			7				7
			77,024				77,024
			14 6				14 6

Note.—Real estate of the estimated value of 547*l.* was gifted on payment of Crown's Share and Costs; and a share in a Copartnery valued at 139*l.* 16*s.* 8*d.*, and Deposit Receipts valued at 447*l.* 17*s.* 3*d.*, were transferred to Donees.

BALANCE SHEET, 31ST DECEMBER 1893.

		Liabilities.	Assets.
		£. s. d.	£. s. d.
Queen's and Lord Treasurer's Remembrancer	-	-	50,905 11 4
Crown's Share Account	-	29,131 17 7	-
Sundry Estates	-	21,964 1 4	190 7 7
		51,095 18 11	51,095 18 11

Exchequer Chambers, Edinburgh,
24 April 1894.

Examined and found correct,
G. H. Hunt, Auditor.

Reginald MacLeod,
Queen's and Lord Treasurer's Remembrancer.

ALPHABETICAL LIST of ESTATES reported to the Queen's and Lord Treasurer's Remembrancer as having fallen to the CROWN as ULTIMUS HERES in *Scotland*, and dealt with by him, *virtute officii*, in the Year ended 31st December 1893.

Note. By the Law of Scotland, the Queen's and Lord Treasurer's Remembrancer, by virtue of his office, is entitled to administer without confirmation (Letters of Administration) or other process of law the assets of estates which fall to the Crown as ultimus heres in Scotland.

Name of Intestate.	Designation and Residence of Intestate.	REMARKS.
Allan, Eliza - - - -	Spinster, Garvock-street, Laurencekirk -	Under administration.
Bailie, George - - - -	Mason and crofter, Tain, Olrig, Thurso -	Crown's right not determined.
Bossher, Isabella Yeoman, or -	Millworker, Hilton Villa, Old-road, Woodside, Aberdeen.	Debts exceed assets.
Buchanan, Janet - - - -	10, Forth-street, Edinburgh - - - -	Under administration.
Calder, Mary Waters, or - - -	Widow, Dunnet, Caithness - - - -	- ditto.
Clark, Thomas George - - - -	Draper, Campbeltown - - - -	- ditto.
Clunie, Henry - - - -	Land measurer, Auchterarder - - - -	Debts probably exceed assets.
Colton, Nathaniel - - - -	101, West Port, Edinburgh - - - -	Under administration.
Craig, Alexander - - - -	Ex-pupil teacher, Downfield, Dundee -	- ditto.
Davidson, Ann Chandler, or -	Widow, 60, Rose-street, Aberdeen - - -	- ditto.
Dewart, William - - - -	Provision merchant, Glasgow - - - -	Crown's right not determined.
Douglas, Ann, or Buchanan -	Widow, St. Ann's, Brechin - - - -	- ditto.
Dow, Christina Welsh, or -	Widow, 50, Rankeillor-street, Edinburgh -	Under administration.
Dunn, James - - - -	11, Garden-street, Ayr - - - -	Gifted to two sisters of Mrs. Dunn.
Falconer, Eliza Edwards, or -	Widow, Harriet-street, Aberdeen - - -	Under administration.
Fergusson, Charles - - - -	3, Dundonald-street, Edinburgh - - -	- ditto.
Forman, Margaret - - - -	Spinster, 24, Clyde-street, Calton, Glasgow	- ditto.
Geddie, Robert - - - -	Clerk, Stanley Cottages, Whiteinch, Glasgow.	- ditto.
Gibson, Catherine - - - -	Spinster, Lanark - - - -	- ditto.
Gordon, Robert - - - -	Cabinet-maker, 334, Dumbarton-road, Glasgow.	- ditto.
Grant, Charles - - - -	Carpenter, 28, Upper Kessock-street, Inverness.	- ditto.
Harding, George - - - -	Died in Hydropathic, Bridge of Allan -	- ditto.
Hay, Mary Ross, or - - - -	Tobacconist, 32, Howe-street, Edinburgh -	Debts exceed assets.
Henderson, Jemima Gray Wilson, or.	Spinster, 88, Nicolson-street, Edinburgh -	Under administration.
Higgins, Jeannie Johnstone, or	Widow, 24, Queen-street, Castle Douglas -	- ditto.
Irving, Joan - - - -	Domestic servant, Knockhill, Hoddum, Dumfriesshire.	- ditto.
Junner's Factory - - - -	- - - -	Crown's right not determined.
Kilgour, Robert W. - - - -	Artist, Castle-road, Dollar - - - -	Under administration.
Kynoch, Dr. Patrick - - - -	Surgeon, Greenlaw - - - -	- ditto.
Matthews, Matilda McDonald or.	108, Raeberry-street, Glasgow - - - -	- ditto.
Millar, George - - - -	413, St. Vincent-street, Glasgow - - -	Next of kin found.
Morrice, David - - - -	Coal merchant, Paterson's court, Gallowgate, Aberdeen.	Under administration.

ALPHABETICAL LIST of Estates reported to the Queen's and Lord Treasurer's Remembrancer, &c.—*continued*.

Name of Intestate.	Designation and Residence of Intestate.	REMARKS.
McCutcheon, Grace - -	Domestic servant, Drumlamford, Barrhill, Girvan.	Under administration.
McGillivray, Alexander - -	Fisherman, Port Ellen - - - -	Debts exceed assets.
McGillivray, Sarah Steele, or -	Widow, 390, South York-street, Glasgow	Next of kin found.
McGregor, Ebenezer Murray -	Murrayflats Asylum, Govan - - -	Under administration.
McHardy, William McAdie or Hardy, or.	Stonebreaker, 47, St. Andrew-street, Aberdeen.	Crown's right not determined.
McLennan, Farquhar - -	Cairngorm, Kintail - - - -	Under administration.
MacLeod, William - - -	4, Engliston-street, Edinburgh - - -	- ditto.
MacRitchie, Mary Calder, or -	Domestic servant, 6, Blackford-road, Edinburgh.	- ditto.
Nicoll, Elizabeth - - -	Widow, Mudie Cottage, Perth-road, Blairgowrie.	- ditto.
Norrie, Maggie Mathieson -	Domestic servant, Upper Tarbot-hill, Old Machar, Aberdeen.	Disposed of under Savings Bank Acts.
Nugent, John - - - -	Ship carpenter, Barque "H. B. Cann" -	Board of Trade placed money in Seaman's Savings Bank for daughter of deceased.
Orr, Peter - - - -	Engineman, Camps, Kirknewton - - -	Under administration.
Pollock, Marion - - -	Spinster, Hunthill, Blantyre - - -	- ditto.
Robertson, Sarah - - -	Domestic servant, Braeholm, Milnathort -	- ditto.
Scott, Jemima Thomson - -	Spinster, Nether Keith, Haddington -	- ditto.
Scrimgeour, Ann - - -	Spinster, Old Rattray, Blairgowrie - -	Gift to children of James Stewart and his former wife Mary Ann McGlashan, or Stewart.
Smith, Agnes - - - -	Laundrymaid, Lees, Coldstream - - -	Under administration.
Smith, Catherine - - -	Washer and cleaner, 12, Goosedubs, Glasgow.	- ditto.
Smith, James and Angus - -	13, Ponton-street, Edinburgh - - -	- ditto.
Smith, Margaret - - -	Farm servant, Knowehead, Tarbolton, Ayrshire.	Crown's right not determined.
Squair, Thomas - - -	Mason, Main-street, Wishaw - - -	Next of kin found.
Stewart, Gordon - - -	Merchant, 47, Guestrow, Aberdeen - -	Under administration.
Stuart, James - - - -	Manager, Glen Grant Distillery, Rothes -	Debts exceed assets.
Strang, Mary - - - -	Cook, Hanover Hotel, Edinburgh - - -	Under administration.
Thompson, George - - -	Surfacemen, Greskine Cottage, Moffat -	Next of kin found.
Thomson, George - - -	Stonemason, West Ferry, Dundee - - -	Under administration.
Vallance, Jane - - - -	Spinster, Lauder - - - -	- ditto.
Wightman, Margaret - - -	Spinster, West Port, Lanark - - -	- ditto.
Yeaman, M. Spence - - -	Of Murie, Perthshire - - - -	Gifted to Mr. R. Miln.

Exchequer Chambers, Edinburgh, }
24 April 1894.

Reginald MacLeod,
Queen's and Lord Treasurer's Remembrancer.

CLINTON HERES (SCOTLAND) (ACCOUNT
AND LIST OF ESTATES).

COPY of RETURNS of ABSTRACT ACCOUNT of the
RECEIPTS and PAYMENTS of the QUEEN'S and LORD
TREASURER'S REMUNERATION. *Scotland*, in the Year
ended 31 December 1893, in the Administration
of ESTATES and TREASURY TRUST on behalf of
the CROWN; and, of APPROPRIATION. List of
ESTATES which fell to the CROWN as CLINTON
HERES in *Scotland*, administered by the QUEEN'S
and LORD TREASURER's REMUNERATION, in the
Year ended 31 December 1893.

(*Sir John Hibbert.*)

Ordered, by The House of Commons, to be Printed,
27 April 1894.

[*Price 1 d.*]



